

The City of Oklahoma City

Zoning and Planning Code

# HANDOUT

Ordinances related to the

**DOWNTOWN DESIGN DISTRICTS**

**(DBD, DTD-1, and DTD-2)**

## **CHAPTER 59 PLANNING AND ZONING CODE**

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**ARTICLE III. - ADMINISTRATIVE BODIES AND OFFICIALS**

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**§ 59-3250. - Downtown Design Review Committee.**

**3250.1. Establishment.** There is hereby created the Downtown Design Review Committee.

**3250.2. Powers.** The Downtown Design Review Committee shall have the following powers:

- A. To administer the design review process for the DBD, DTD-1 and DTD-2 Districts.
- B. To issue Certificates of Approval for property located within the DBD, DTD-1 and DTD-2 Districts.
- C. To comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District.

**3250.3 Membership, Terms and Organization.**

- A. **Membership.** The Downtown Design Review Committee shall consist of seven members. These members shall be appointed by the Mayor with the consent of the City Council, and shall be composed as follows:
  - (1) Four members shall be a combination of registered architects, landscape architects, urban planners, or licensed civil engineers.
  - (2) Two members shall be licensed real estate professionals.
  - (3) One member shall be a resident citizen of the City of Oklahoma City.
  - (4) All members of the Committee shall serve without compensation. All members shall have demonstrated knowledge in the fields of architecture, urban history, City planning, urban design, or real estate development.
- B. **Terms of Membership.**
  - (1) The term of each committee member shall be for three years, or until his or her successor takes office. Members may be appointed to fill the remainder of vacant terms.
  - (2) No member shall serve more than three consecutive terms, provided however, the initial appointments at the time of creation of the committee for terms less than three years or the terms served for the purpose of filling vacancies shall not be considered as counting towards the three consecutive term limits set forth in the section.
  - (3) Members who have served three consecutive terms may be reappointed after having rotated off the Committee for at least one full year.
- C. **Chair/Vice Chair.** The Downtown Design Review Committee shall elect a Chair, and Vice Chair and create and fill other offices it deems as necessary. The term of the Chair and Vice Chair shall be one year.

- D. Removal of Members. Members may be removed by the Mayor with the consent of the City Council, for inefficiency, neglect of duty, or malfeasance in office. The Mayor shall file a written statement of the reason for the removal. Members may resign with the Mayor's acceptance of a letter of resignation.
- E. Staff Assistance. The Planning Director and Staff shall assist the Committee in discharging its duties. The Planning Director, or designee, shall attend and keep written findings and records of all meetings. Staff shall act in an advisory capacity only and may participate in the Committee's discussion, but shall have no vote.

#### **3250.4 Meetings and Procedures.**

- A. Organization and Rules. The Committee shall hold at least one regular public meeting each month, provided however, meetings may be cancelled with appropriate notification to the City Clerk. Staff shall keep a public record of the Committee's actions and documentation.
- B. Quorum. Four members of the Committee shall constitute a quorum for the transaction of business, unless there is a vacancy in the membership, in which case, it shall be a majority of the active members. Action taken by the Committee at any meeting shall require the affirmative vote of a majority of members present, less those members who recuse themselves, stated for the record, for any reason, in a matter before the Committee.
- C. Public Hearing and Notice Requirements. In order to encourage citizen participation and assure that all interested and affected parties shall be heard, notice of public hearings regarding action taken by the Downtown Design Review Committee shall be given as specified by the following:
  - (1) Notice by Mail. Hearing notices of Downtown Design Review Committee meetings shall be sent at least six business days prior to such hearing by mailing written notice to all owners of property within a 150-foot radius of the exterior boundary of the subject property. Such notice by regular mail shall be the responsibility of the Staff.
- D. Compilation of Notification List. The notification of all property owners within a 150-foot radius as required by this Paragraph (1) above shall be provided by Staff.
- E. Written Decisions. Decisions of the Committee shall be in writing and may include specific findings of fact and support for the decision based on the provisions of this ordinance.
- F. Appeal. Any person aggrieved by any decision of the Staff or the Downtown Design Review Committee in granting or denying a Certificate of Approval may appeal said decision to the Board of Adjustment, who may affirm, reverse or modify the decision of the Committee. The appeal shall be filed and conducted in accordance with the provisions and procedures of Section 59-4250.10, Appeals.

No Certificate of Approval granted by the Downtown Design Review Committee or staff shall become effective until the expiration of the appeal period.

**ARTICLE IV. - ADMINISTRATIVE PROCEDURES**

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**§ 59-4250. - DISCRETIONARY REVIEW PROCEDURES.**

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**4250.3. Downtown Design Review.**

A. Establishment. The City of Oklahoma City hereby establishes the process for granting downtown design review Certificates of Approval. Certificate of Approval requirements can be found in Section 7200.1 of this chapter.

B. Reserved.

C. Committee Recommendations and Review.

(1) On parcels of land located within the Downtown Design Districts and the Scenic River Overlay Design District, design review and the issuance of Certificates of Approval shall be the responsibility of the Riverfront Design Committee or staff and shall be subject to the design review standards and guidelines of the Scenic River Overlay Design District and the Downtown Design District. If a conflict exists, the Overlay shall govern.

(2) Within an area of the DTD-1 District known as the Cottage District, design review and issuance of Certificates of Approval shall be the responsibility of the Urban Design Commission and shall be subject to the design review standards of the Downtown Design District. The Cottage District is defined in Section 59-7200.3.B(1)(a).

(a) Within the Cottage District, Staff may review and issue Certificates of Approval according to Section 59-7200.1.C. (3)

(3) The Downtown Design Review Committee shall have the opportunity to comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District, except for buildings for which a Notice of Violation for dilapidation has been sent by the City.

(4) The Downtown Design Review Committee may adopt additional design guidelines, policies and procedures to aid in their design review responsibilities. Said guidelines and policies may supplement the design guidelines established in this section, but not contradict them. The Committee has adopted the following supplemental guidelines:

(a) Building Conservation & Rehabilitation Guidelines for Oklahoma City.

(b) Downtown Development Framework (Design Framework Guidelines only).

These supplemental guidelines and any amendments thereto are hereby adopted by reference as if set out at length herein. Copies of the same are on file in the office of the City Clerk and are also available in the Planning Department. Where

- discrepancies exist between the supplemental guidelines and other guidelines established in this section, the guidelines established in this section shall take precedence.
- (5) Prior to issuing a Certificate of Approval, the Committee may request projects proposing demolition, reconstruction, alterations, or expansions to structures with historic significance to be reviewed by the Historic Preservation Commission for a non-binding recommendation.
  - (6) On parcels of land located within the Downtown Design Districts and the Historic Landmark (HL) Overlay District, design review and issuance of Certificates of Appropriateness shall be the responsibility of the Historic Preservation Commission and shall be subject to the preservation guidelines and standards of the Historic Landmark Overlay District.
  - (7) Staff may refer any case eligible for administrative approval to the Downtown Design Review Committee (or, within the Cottage District, to the Urban Design Commission) for consideration.
  - (8) Submissions for Murals and any subsequent modifications to Murals must be approved by the Arts Commission prior to review by the Downtown Design Review Committee or staff.
- D. Submission for Design Review. Sufficient information and detail shall be submitted to staff of the Downtown Design Review Committee to fully evaluate relevant design issues. Minimum required drawings and documentation are listed on submittal forms available from the Oklahoma City Planning Department. On projects of smaller scale or complexity, Staff may waive the submission of some of the required drawings and/or details.
- E. Continuances.
- No continuances to cases under review shall be granted where no forward progress has been demonstrated for a period of six continuous months. In that event, the case shall be deemed withdrawn and resubmittal of the project shall be required.
- F. Extensions to Existing Certificates of Approval.
- (1) If construction has commenced, the Downtown Design Review Committee or Staff may grant a two-year extension prior to the expiration date of the Certificate of Approval.
  - (2) Extensions shall not be granted if there are any additions, revisions, or deletions of any element of the project.
  - (3) A maximum of four extensions shall be granted before a new submittal is required including application, attachments, and fee.
  - (4) No extensions may be granted for Temporary Signs - Large Display Banners and Supergraphics.
- G. Preliminary Review. In order to facilitate the timely approval of projects applicants are encouraged to request a preliminary review by staff prior to formal submittal. Preliminary

review is most effective at the conceptual design phase, so that siting, building material and design, and other contextual impacts of the proposal may be considered for conformance with the regulations and guidelines of the Downtown Design District ordinance.

- (1) Based on the scale or significance of the project, staff may recommend that the project be presented to the Committee for preliminary comments prior to submittal of the application.
- (2) Preliminary review should be scheduled a minimum of six weeks prior to anticipated date of formal submittal to allow for revisions.

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**ARTICLE VII. - SPECIAL PURPOSE DISTRICTS**

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**§ 59-7200. - Downtown Design Districts.**

**7200.1. Downtown Design Districts (DBD, DTD-1, DTD-2).**

- A. Purpose and Intent. This commercial district is intended to support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to:
- (1) promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the downtown districts;
  - (2) ensure that a proposed use is compatible with the commercial, cultural, historic, and governmental significance of the downtown districts;
  - (3) promote the downtown area as a vital mixed-use area;
  - (4) create a network of pleasant, safe, and connected public spaces and pedestrian amenities in the downtown area;
  - (5) enhance existing structures and circulation patterns;
  - (6) encourage preservation and restoration of the Historic Resources and Architectural Resources of the Downtown districts; and
  - (7) encourage appropriate and complementary transitions between each of the downtown districts and between those districts and the surrounding zoning districts.
- B. Qualifier. Except for the provisions specifically contained in this section, all other provisions of this chapter shall apply to and have full force upon the properties contained in the Downtown Design Districts.
- C. Certificate of Approval Required.
- (1) A Downtown design review Certificate of Approval is required for all projects, public and private, located in the DBD, DTD-1, and DTD-2 Districts.
    - (a) Exception. A Certificate of Approval shall not be required for Ordinary Maintenance and Repair that involves no change in materials, dimensions, design, configuration, texture, surface coating, or visual appearance for work meant to remedy damage or deterioration of site elements, structures, or their appurtenances.
    - (b) A Certificate of Approval shall not be required for A-frame, sandwich or springer signs.



- (2) The Downtown Design Review Committee shall review and issue Certificates of Approval for the following unless administrative approval is permitted as referenced in this section:
- (a) New construction, additions, or exterior modifications to an existing structure and the associated sites.
  - (b) Demolition of a structure or site and site elements except structures declared dilapidated and approved for demolition by City Council.
  - (c) Signage, including Electronic Message Display (EMD) signs greater than 25 square feet.
  - (d) City projects and public improvements, excluding:
    - 1. Installation of traffic control signs and transit related signs,
    - 2. Installation of underground utilities such as water, wastewater and electrical mains,
    - 3. Standard roadway improvements from curb to curb, and
    - 4. Drainage or drainage easement improvement projects.
  - (e) The application of paint to a previously unpainted brick or masonry exterior surface.
- (3) Staff may review and issue Certificates of Approval for the following:
- (a) New construction, expansion, and exterior modifications of structures less than 20,000 square feet and the associated sites.
  - (b) New parking lots and expansions of existing parking lots.
  - (c) Demolition of site elements or of a structure less than 20,000 gross square feet, except structures declared dilapidated and approved for demolition by City Council.
  - (d) Signage, including:
    - 1. Electronic Message Display Signs 25 square feet or less;
    - 2. Temporary Signs - Large Display Banners and Supergraphics 100 square feet or greater; and
    - 3. All other signs less than 100 square feet.
  - (e) Expansions and exterior modifications to structures and their associated sites over 20,000 square feet impacting less than 20 percent of the structure or site.
  - (f) Minor City projects and private improvements including, but not limited to installation of streetscape elements, fencing, dumpster enclosures, monuments, or landmarks associated with sites less than 20,000 square feet.
  - (g) Submittals for extensions to unexpired Certificates of Approval.
  - (h) Temporary Construction Staging Areas - Off-Site.

- (i) The application of paint to a previously unpainted brick or masonry exterior surface of a structure under 20,000 square feet.
- (4) Revisions to Certificates of Approval.
  - (a) Staff may approve plans previously approved by staff or the Downtown Design Review Committee which require minor revisions that impact less than 20 percent of the site or building, provided that the revisions maintain conformance with Regulations and meet the intent of the Criteria and any conditions associated with the approval.
  - (b) Staff may approve minor revisions to an unexpired Certificate of Approval without additional fee provided the following conditions are satisfied:
    - 1. No more than five percent of the site or building is modified from the original Certificate of Approval;
    - 2. Revisions do not significantly alter the work previously approved;
    - 3. Revisions are in conformance with regulations and meet the intent of the guidelines; and
    - 4. Revisions are consistent with any conditions associated with the original Certificate of Approval.
- (5) Expirations for Certificates of Approval. Any Certificate of Approval granted by the Downtown Design Review Committee or Staff shall expire two years from date of issuance.
  - (a) Exceptions:
    - (1) Temporary Signs - Large Display Banners and Supergraphics shall expire six weeks from the date of issuance or one week following the end of the special event referenced by the signage.
    - (2) Projection Image Signs shall expire six weeks from date of issuance or one week following the end of an event related to the signage.
    - (3) Temporary Construction Staging Areas, Off-Site shall expire one week after completion of the construction project related to the Certificate of Approval.
- D. Pedestrian Zone Designation. The area between the curb and the building shall be designated as the Pedestrian Zone and shall be comprised of the Streetscape Zone, the Sidewalk Zone, and may include a Storefront Zone.
  - (1) Streetscape Zone. That portion of the Pedestrian Zone located between the back of the curb and the Sidewalk Zone.
  - (2) Sidewalk Zone. That portion of the Pedestrian Zone located within the area from the back of the curb to the property line or the existing or newly constructed building, whichever is less.
  - (3) Storefront Zone. That portion of the Pedestrian Zone located between the Sidewalk Zone and the building.

E. Use Regulations.

(1) Table 7200.1 lists the uses allowed in the Downtown Design Districts. Unless allowed conditionally as annotated in Table 7200.1, the owner/operator of any property who wishes to serve or sell alcoholic beverages, as defined by State law and subject to State licensing requirements, for on-premises consumption as an accessory function of the primary use of the property, may apply for a Special Permit providing that the primary use is permitted within the zoning district, and providing that the facility in which the alcoholic beverages are served or sold complies with the City's building code requirements.

(2) Accessory Uses. Refer to Table 12200.1: Permitted Accessory Structures and Uses.

F. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the Downtown Design Districts.

(1) Exceptions.

(a) Height.

1. Expansions to existing structures.
2. The following use units are exempt from the minimum height regulations: Automotive and Equipment: Automobile Dealerships and Malls (59-8300.18), Food or Beverage Retail Sales (59-8300.41), or Gasoline Sales, Small: Restricted (59-8300.46).
3. Accessory buildings located behind the front plane of the existing primary structure.
4. Canopies, awnings, pergolas, and kiosks.

(b) Setbacks and/or Build-To Lines.

1. Automotive and Equipment: Automobile Dealerships and Malls (59-8300.18).
2. Gasoline Sales, Small: Restricted (59-8300.46).
3. Food and Beverage Sales (59-8300.41) and Retail Sales and Services: General (59-8300.63).
  - i. Where on-site surface parking to the side or rear is being provided for buildings at least 30,000 square feet or larger, the building line may be set back to accommodate a drop-off/pickup lane no wider than 22 feet along the street frontage between the property line and the building face provided that sufficient pedestrian access is also provided.
4. In the DTD-1 and DTD-2 Districts, the front yard setback, or front and side yard setbacks for corner lots of new Single Family Residential (59-8200.14) and Two Family Residential (59-8200.16) construction shall be a maximum of 20 feet.
5. Expansions to existing buildings.

6. Accessory buildings and secondary buildings where an existing primary structure occupies the street frontage(s).
  7. Canopies, awnings, pergolas, and kiosks.
- (2) Irrigation. All in-ground landscaping shall be irrigated by one of the irrigation methods contained in Section 59-11350 of this chapter.
- (3) Sidewalks. Sidewalks shall be provided as part of all projects as follows:
- (a) All sidewalks and sidewalk treatments shall be subject to all permitting requirements of the Department.
  - (b) Sidewalks shall be extended along the entire property line to the adjacent lot lines. In cases of corner lots, sidewalks shall be extended to the adjacent lot along each street frontage.
  - (c) The sidewalk shall be at least 60 inches wide, and shall be maintained free of any obstructions to allow for the passage of pedestrians. The sidewalk shall not be shared with the Streetscape or Storefront Zones, unless provided for herein.
    1. In instances where there is not sufficient right-of-way to provide the minimum 60-inch sidewalk, the available space between the back of the curb and the building line shall be used for a Sidewalk Zone only.
    2. The Downtown Design Review Committee or Staff, upon consideration of land use such as residential, may approve a reduced sidewalk width if a landscaped area is located between the back of the curb and the sidewalk and between the building façade or building element and the sidewalk.
- (4) Parking. Parking is not required. However, if provided, off-street parking areas shall meet all design standards defined within Article X, and shall meet the Parking Lot Landscaping requirements within Article XI.
- (5) Service Area, Utility Screening. All outdoor storage yards, loading docks, service areas, and mechanical equipment or vents larger than eight inches in diameter visible from ground level shall be concealed by screens at least as high as the equipment they hide and of a color and material matching or compatible with the colors and material found on the façade of the primary building.
- (a) Chain link, with or without slats shall not be used to satisfy this screening requirement.
  - (b) Service areas and loading docks accessed from and located within an alleyway shall be exempt.
  - (c) Dumpsters shall be screened in accordance with § 59-12200.4C.(5)
    1. Where landscaping is used as screening, a landscaped buffer shall be installed no less than six feet in width, planted with a series of evergreen plantings at least six feet in height and spaced in a manner to provide an impervious visual barrier.

(6) Signage. Signage within the Downtown Design District shall comply with sign regulations as referenced in Chapter 3 of the Municipal Code and shall be subject to Development Regulations and Guidelines as defined in this chapter.

(a) A-frame, sandwich and springer signs shall be prohibited except within the Downtown Business District (DBD), shall not require a Certificate of Approval, and shall be subject to the following conditions:

1. The display area of each side shall not exceed eight square feet;
2. The height shall not extend more than four feet eight inches above grade;
3. A minimum of eight feet of right-of-way shall exist from back of curb to building face when located in the right-of-way;
4. A five-foot minimum unobstructed walkway shall be maintained at all times within the Sidewalk Zone;
5. Signs shall be located within the Streetscape Zone, and shall require a revocable permit;
6. Signs shall be weighted to ensure that they are not readily displaced;
7. Signs shall be in place only during any period between dawn and dusk;
8. Sign frames shall be constructed of hard plastic or metal;
9. Sign faces shall be chalk board or printed material;
10. Signs shall only be located over paved surfaces;
11. Signs shall be located so that adequate vehicle sightlines are maintained;
12. Signs shall be located in a manner that does not obstruct pedestrian patterns or accessible routes
13. Quantity of signs shall be limited to one sign per street level tenant at building frontage; and
14. Signs shall be designed such that they typically remain stationary and are not in motion. Signs shall be removed from display when the face swings more than 20 degrees from vertical.

(b) Projection Image Signs.

1. Projection Image Signs shall be prohibited except within the Downtown Business District (DBD);
2. Signs larger than eight square feet shall be limited to one week in duration per location per 30-day period when displayed on surfaces other than sidewalk;
3. Signs shall not be projected within 200 feet of, or onto a residential use (excluding Use Classifications 59-8200.2 and 59-8200.4) unless the location and orientation of the projected graphics ensures that light from the images will not infringe on the residential use; and
4. Signs shall not be projected onto the surface of the public street.

(c) Temporary Signs - Large Display Banners and Supergraphics (Wall Scapes/Building Wraps) are prohibited except in the Downtown Business District (DBD) and shall be subject to the following conditions:

1. Signs shall maintain a minimum clearance of 14 feet from grade;
2. Signs shall be properly secured to the wall;
3. Signs shall not damage the structure while in place or during installation and removal;
4. Certificates of Approval for this use shall be limited to a maximum of four approvals per location per year;
5. Signs shall be constructed of a durable material in a matte finish, equivalent to or better than a billboard-grade vinyl mesh material;
6. Signs shall not cover or attach to significant architectural features of historical significance;
7. Sign area shall not exceed 80 percent of a building face and 50 percent of the total exterior of the building;
8. Signs shall be appropriate to the character of the surrounding area; and
9. Signs shall be compatible with surrounding uses.

(d) Signs on the sidewalk surface are prohibited except in the Downtown Business District (DBD) and shall be subject to the following conditions, but do not require a Certificate of Approval:

1. Signs shall remain in place for a period not to exceed 14 days per permit issued;
2. Signs shall be removed completely by the time of expiration in a manner that leaves no visible evidence or residue on the surface of the sidewalk;
3. Signs shall not damage the sidewalk while in place or during installation and removal;
4. Sign surface shall be non-slip;
5. Signs shall be removed immediately if loosened or damaged during time of permitted use;
6. Signs shall only be applied to unsealed outdoor surfaces (unsealed asphalt, unsealed concrete, paving bricks);
7. Signs in the right-of-way may require a revocable permit. If a revocable permit is required, the permission of the adjacent property owner(s) shall be obtained prior to receipt of the permit; and
8. Signs shall promote or celebrate the City, its civic institutions, City-recognized holidays, or public activities or events in The City of Oklahoma City and that otherwise promote the corporate interests and welfare of The City of Oklahoma City. No Commercial signs shall be permitted.

For this section, Commercial signs shall mean those signs where the sole or chief purpose of which is to advertise or promote the distribution, sale or rental of goods and/or services other than those which are strongly vested with public importance, such as utility, education, recreational, cultural, medical, protective, and governmental goods or services.

- (e) In order to respect the dignity of the Oklahoma City National Memorial, Non-Accessory Signs, Electronic Message Display (EMD) signs, Temporary Signs - Large Display Banners and Supergraphics (Wallscares/Building Wraps), and Projection Image Signs shall not be permitted in an area of the DBD district located between Dean A McGee Avenue, NW 7th Street, North Broadway Avenue and North Hudson Avenue.
- (7) Building materials. Vinyl, aluminum, and sheet metal siding shall not be permitted except as cladding for structures accessory to Single- and Two-Family residences and that are not visible from the street.
- (8) Fencing. Fences shall comply with the requirements listed below:
  - (a) Prohibited Fences;
    - 1. Chain link for street frontages;
    - 2. Ribbed steel, vinyl, aluminum, or plywood panels; and
    - 3. Electrified, barbed, hog, or chicken wire; or single-strand wire fencing over two and one-half feet in height.
  - (b) Front yard fences. A front yard fence shall be defined as a fence located within the front yard area between the primary street frontage property line and the front wall of all structures or in front of the front wall of the main building on the site.
    - 1. The height of all front yard fences shall not exceed four feet with the exception of ornamental metal picket fencing which shall be permitted up to six feet in height for non-residential uses.
  - (c) Side and Rear Yard Fences. A side and rear yard fence shall be a fence located within the side and rear yard as defined in § 59-2150, Yard, Rear; Yard, Side; and illustrated in Figure 2000.7.
    - 1. No such fence shall exceed eight feet in height.

#### G. Development Guidelines.

These guidelines are intended to promote the development and redevelopment of the downtown area in a manner that is consistent and compatible with existing unique and diverse design elements of downtown Oklahoma City and that also encourages economic development and commerce. These guidelines are also intended to promote downtown as a vibrant, active destination with a variety of land uses, designed in context with the area in which they are located. The Downtown design review Committee and staff shall consider these guidelines as appropriate to the specific site and district, taking into account the character and context of the urban environment, and providing flexibility to incorporate new technology and techniques.

(1) Existing Buildings; Architectural Resources or Historic Resources.

In order to preserve the legacy of our past, developers are encouraged to rehabilitate structures and sites within the Downtown districts that are Architectural Resources or Historic Resources so that as much of the original fabric as is reasonably possible remains intact.

- (a) Existing buildings and character-defining architectural features such as building mass, roofs, exterior walls, doors, windows, and architectural detailing should be retained, refurbished and remain in the original locations.
- (b) Site elements such as walkways, pedestrian amenities, and hardscape features should be retained and rehabilitated.

(2) Building Materials.

- (a) Exterior cladding of buildings should consist of glass, steel, architectural metals, and/or masonry materials such as brick, stone, or cement stucco.
- (b) Material modules, other than glazing systems, should not exceed wither five feet horizontally and three feet vertically without the clear expression of a joint.
- (c) Synthetic stucco materials, such as Exterior Insulation and Finish Systems (EIFS), should be limited to a maximum of 20 percent of the total of exterior building materials, not including windows, on a building's first three floors. Above the third floor, materials such as synthetic stucco should be limited to 50 percent of the total of exterior building materials, not including windows.
- (d) For non-residential uses, composite materials such as fiber cement panels, boards, planks, and shingles may be allowed but should be limited to 30 percent of the total of exterior building materials of any façade, not including windows and doors.
- (e) Exceptions.
  - 1. Architectural cast-in-place concrete may be approved through the design review process, provided specific review of finish specifications indicates high quality of the finished surface.
  - 2. Ribbed or corrugated metal panel roofing systems may be approved through the design review process, provided specific review of finish specifications indicates high quality of the finished surface.
  - 3. In single and two-family residential uses, the use of wood siding or cementitious planked siding may be approved through the design review process, provided the finished surface of the product is durable and of high quality.
  - 4. Additions to an existing building totaling less than 40 percent of that existing building may be clad with materials consistent with existing materials and exterior finishes of the original structure.
  - 5. Additional cladding and accent materials may be allowed on a case-by-case basis provided that product warranties and specifications submitted guarantee



that the proposed material is equivalent to any of the materials noted in this section.

- (3) Building Design. Building design within DBD, DTD-1, and DTD-2 Districts should promote architectural diversity while encouraging design that relates to and reinforces the overall character of the immediate surroundings, creating a strong building-to-pedestrian relationship and supporting a strong urban environment. Building design should be applied as follows:
- (a) Vertical Character. Ground floor building façades of non-residential uses, and including mixed uses and multi-family housing should create vertical breaks at regular intervals by spacing architectural features no less than every 20 feet and no greater than every 40 feet.
  - (b) Horizontal Character. For non-residential uses, a clear visual division between the second floor line and upper level floors should be established using cornice lines, windows, or similar architectural elements. The horizontal line established through the use of such architectural elements should not vary in elevation by more than 24 inches from one building to the next.
  - (c) Ground Floor Façade.
    - 1. When the ground floor use of a building has a non-residential use and abuts a public street, at least 50 percent of the storefront/building wall should consist of clear or tinted windows and/or doors, and/or display windows set into the building wall.
    - 2. Any sign or graphic displayed on or affixed to windows within a single structure along street frontage(s) should not exceed 20 percent of the total of transparent areas at street level.
    - 3. Pedestrian entries should be oriented toward the street and recessed, covered, or otherwise clearly identifiable.
  - (4) Development Pattern.
    - (a) New development should incorporate the approximate scale and proportions of the traditional block pattern, concentrating mass and height at key intersections and along major pedestrian corridors.
    - (b) Streetwalls formed by existing buildings along arterials and massing of buildings at corners should be maintained.
    - (c) New development occurring adjacent to existing and stable residential neighborhoods should provide appropriate transitions that respect the scale, character, and architectural detailing of the adjacent uses.
    - (d) Awnings/Canopies.
      - 1. Awnings, when used, should be installed so that the bottom edge of the valance is at least eight feet above the sidewalk.

2. Awnings and canopies extending into the street right-of-way should terminate no less than 18 inches from the back of the curb and should not extend into the Streetscape Zone.

(5) Pedestrian Circulation and Amenities.

Streetscapes are established within the DBD, DTD-1, and DTD-2 Districts to create an attractive and animated sidewalk environment and to foster safe and efficient pedestrian movement.

- (a) A Streetscape Zone and Sidewalk Zone should be provided whenever sufficient right-of-way exists between the curb and the property line.
- (b) A safe and accessible route should be provided to establish direct visual and physical access along all street frontages and connections within a site to and between the primary entrance or entrances to each building.
- (c) Unless the applicant demonstrates that such walkways are necessary to establish safe and accessible pedestrian access, overhead pedestrian walkways should not attach to structures considered Historic Resources.
- (d) Landscaping and pedestrian amenities should be located within the Streetscape Zone and/or Storefront Zone.
  1. These elements, with the exception of some plant material, should be placed at least 18 inches from the back of the curb and may be subject to Revocable Permit requirements.
  2. These amenities may include but are not limited to planting strips, raised planters, light standards, signage, transit stops, public art, bike racks, security bollards, Café seating, and Street Trees and furnishings.
  3. Street tree species are a component of the Downtown Design Review and should comply with the following:
    - i. be adaptable to the conditions of a dense urban environment,
    - ii. follow the species recommendations as referenced in "Trees and Plants for Oklahoma City",
    - iii. meet accepted urban tree planting standards as referenced in the Downtown Streetscape Master Plan,
    - iv. have a minimum caliper of two inches, be installed within the Streetscape Zone, and be spaced at a minimum of 20 feet,
    - v. trees in wells or raised planters should be planted in a minimum volume of soil or structural soil of five feet by five feet by three and one-half feet deep. All tree wells should be covered by tree grates with a minimum size or diameter of five feet by five feet, or topped with brick or stone, or maintained with landscape treatments.

4. Where parking is provided along the abutting curb, trees and plant materials should be spaced so that they do not impede passengers from exiting parked vehicles.
  5. The Downtown Design Review Committee or staff may modify these guidelines, recognizing that not all streets or block faces may be appropriate for Street Trees due to the lack of sunlight or other limitations such as utility locations. The Committee or Staff may allow alternative elements, such as above-ground planters, street furniture, or public art, which may be located within the Storefront Zone.
  6. Existing healthy street trees should not be removed unless replaced with appropriate Street Trees of equal or better height and caliper.
- (6) Parking and Loading. Parking and loading guidelines are established to help manage the supply of off-street parking, improve mobility, promote the use of alternative modes of transportation, support existing and new economic development, maintain air quality and enhance the urban environment.
- (a) Automotive: Parking Lot (59-8300.13).
1. Where a parking lot abuts a street frontage, in order to create a clear separation between the sidewalk and parking lot, either a decorative three-foot high wall or fence, constructed of building materials as defined in this section, or a two-foot wide irrigated landscaped area should be installed and maintained so as not to encroach upon the public rights-of-way.
  2. Parking lots should not be adjacent to a street corner, rather, located on the interior of the block in order to allow space for a building or structure to be located on the corner lot, therefore keeping building mass intact on corner lots.
- (b) Automotive: Parking Garage (59-8300.12).
1. Ramped and sloping interior floors should not be visible from the street.
  2. Stairwells should be built and located on the exterior corners of parking garages and should be so constructed that at least one wall of the stairwell be visually open to the outdoors.
  3. Parking garage entries and exits, for both pedestrians and vehicles, should be clearly marked by materials, lighting, signage, etc. to ensure visibility and promote pedestrian safety.
- (7) Parks and Open Areas.
- (a) Intent. Parks and open areas should:
1. Support the Design Districts goals for providing a network of destinations for active and passive public spaces within the community;
  2. Enhance the quality of urban life for residents within the districts by integrating easily accessible parks and open space;

3. Integrate diversity into the districts urban development patterns in the form of comfortable public gathering spaces with the flexibility of design to accommodate a variety of outdoor public events;
4. Establish an integrated pedestrian circulation network that provides linkages within and between the parks, open spaces, activity centers, and other features in the surrounding areas.

(8) Signage.

- (a) Intent. Signage is an essential element used to convey a sense of the excitement and public vitality of the downtown areas. It should, however, balance the need to promote events with the objective of minimizing visual clutter and enhancing the quality and character of the pedestrian environment. It is also equally accepted that signs should be designed, dimensioned and positioned to avoid an impact which may be out of proportion, excessively dominant, or which would detract from the historical or architectural coherence of the district.

Each district reflects a distinct scale and character of street and activity. The concentration of building mass and increased building heights in the DBD creates the need for different standards for signage in order to be visible to pedestrians and motorists. While it is appropriate for signage in the district to address vehicular orientation, it should also respect the pedestrian experience. Those signs scaled to attract the attention of motorists should be orientated towards highways and/or major vehicular corridors approaching the downtown core.

- (b) Character. All signs should be:

1. Compatible with and contribute to the character of the surrounding uses, adjacent architecture, and the district;
2. Compatible with and not diminish the architectural characteristics of the buildings on which they appear; and
3. Appropriate to and expressive of the business, use, and/or activity for which they are displayed.

- (c) Materials.

1. Signs should be constructed of a high quality gauge and of durable materials appropriate to the physical demands of the setting;
2. Signs other than freestanding signs should attach to the structure in such a way as to avoid permanent damage to the structure to which affixed;
3. Attached signs, including projecting blade signs, should be mounted using materials designed as a decorative or complementary element of the sign; and
4. Freestanding signs should be compatible with the materials of the primary structure.

- (d) Illumination. Interior and Exterior Illuminated signs should:

1. Be shielded to minimize glare;

2. Have electrical power components concealed as much as possible; and
3. Provide a level of light intensity appropriate to the specific location and adjacent uses.

(e) Design. All signs should be designed:

1. To be visually engaging to pedestrian and indicative of the product/location being advertised;
2. To be in proportion and scale with the building;
3. To be compatible with the building's materials; and
4. To have human scale where the entire sign is located entirely within the pedestrian viewscape of 14 feet or less above grade.

(f) Historic Resources.

1. Existing signs deemed to be Historic Resources should be retained, and where appropriate, restored; and
2. New signs should not detract from or be placed over existing "ghost" signs considered to be Historic Resources.

(9) Demolition

(a) General Provisions

1. A Certificate of Approval shall be required for the demolition or removal of any structure within any DBD, DTD-1, or DTD-2 District. Applications for demolition permits shall not be issued unless accompanied by a Certificate of Approval.
2. A Certificate of Approval shall not be required for the demolition or removal by the City of a structure that has been declared dilapidated by the City Council.
3. Burden of Proof. The applicant has the burden of proof to establish, by a preponderance of evidence, the necessary facts to warrant demolition.

(b) Purpose and Intent

Buildings and structures form the framework of special districts. The placement height, and materials of buildings and structures, as well as their history, form the character of a district; therefore, it is appropriate to evaluate the impact of the proposed demolition of a structure on the district as a whole. In some cases, demolition or removal of an existing structure may have an adverse affect on the quality and character of the district. However, in other cases, demolition or removal of an existing structure may be appropriate to provide for the continued growth and vitality of the district, and may facilitate economic development or otherwise improve a district's appearance or viability.

(c) Guidelines for Demolition

In considering a Certificate of Approval for the demolition or removal of a structure, the Downtown Design Review Committee (or staff, if applicable) may consider any of the following factors:

1. Design, Form, or Urban Character

i. Staff shall make a recommendation (or determination, if applicable) regarding whether removal of the structure will have an adverse impact on the design, form, or urban character of the district. For purposes of this section, the terms design, form, and urban character shall mean:

a. Design refers to the use of architectural components, building materials, or other distinct elements of structures that create a cohesive theme and standard of quality within the urban environment.

b. Form refers to the physical layout and design of the built environment, taking into consideration building height, density and floor-area ratio, mass and scale, and the configuration and relationships formed between adjacent buildings, streets, pedestrian areas, and open spaces.

c. Urban character refers to the general atmosphere and experience created by an environment exhibiting heavy concentrations of entertainment, civic, residential, office, commercial, and cultural uses. Urban character may be physically expressed through:

i. Buildings defining corners and blocks and forming a sense of enclosure through a continuous street wall:

ii. Landscaping within public rights-of-way, defining public spaces, and the pedestrian realm; and

iii. A well-connected, accessible network of sidewalks, streets, and public spaces.

2. Significance

i. Staff shall make a recommendation (or determination, if applicable) regarding whether the structure is a Historic Resource or Architectural Resource, using information that may include, but not be limited to, the following.

a. Research, investigations, and historical or architectural surveys;

b. Archival information from newspapers and libraries, which may include photographs, a review of Sanborn Fire Insurance Maps, and historic city directories such as Polk or Criss-Cross; or

c. Documentation verifying that the structure is listed in the National Register of Historic Places or has an official Determination of Eligibility from the National Park Service for the National Register.

i. Burden of Proof. In support of the application, the applicant may (but is not required to) submit information as described in this

Section regarding whether the structure is a Historic Resource or Architectural Resource.

3. Structural Integrity

- i. The structure, which has not otherwise been declared a public nuisance by the City Council, poses an imminent threat to public health or safety and the demolition of said structure is required to alleviate said threat.
- ii. Burden of Proof. In support of the application, the applicant may (but is not required to) submit:
  - a. A signed, stamped analysis from a licensed professional engineer describing any structural deficiencies in the building or structure proposed for demolition.
  - b. The scope of work that would be necessary to repair or remedy such deficiencies.

4. Economic Feasibility

- i. There is no viable economic use of the structure. For purpose of this paragraph, the term “no viable economic use” shall mean:
  - a. The existing structure is incapable of earning a reasonable economic return.
  - b. The structure cannot reasonably be adapted or rehabilitated for any other use which would result in a reasonable economic return.
  - c. The owner or developer, using due diligence, has been unable to find a financier, purchaser or tenant that would enable the owner or developer to realize a reasonable economic return.
- ii. Standard. For purposes of evaluating a reasonable economic return, the applicable standard is what an owner or developer, in its good faith judgment, would consider to be a reasonable economic return for such a structure, as determined in a manner that is consistent with commonly accepted practices and expectations of persons who buy, sell, develop or invest in similar types of property in the community.
- iii. Burden of Proof. In support of the application, the applicant may (but is not required to) submit: a cost analysis and supporting documents, including the cost of demolition and financial information regarding stabilization, repair, rehabilitation, and/or re-use of the building or structure, which may include appraisals, profit and loss statements, itemized expenses, listings of the property for sale, current fair market value, records depicting the current conditions of the property and other relevant documentation.
- iv. Economic Review Board
  - a. If the applicant requests issuance of a Certificate of Approval for demolition based upon “no viable economic use” of the property, the

Downtown Design Review Committee (or staff, if applicable) shall either (i) approve the application, or (ii) immediately refer the application to the Economic Review Board, which shall consist of three independent experts appointed by the City Manager. Economic Review Board members shall be knowledgeable in the economics of real estate, renovation and redevelopment. "Independent" as used in this Paragraph means that the expert has no financial interest in the property, its renovation or redevelopment; is not an employee of the property owner; is not a City employee; is not a member of the Downtown Design Review Committee, and is not compensated for serving on the Economic Review Board.

- b. The Economic Review Board shall have 60 days to hold a public hearing, review the submitted documentation (which may include appraisals, profit and loss statements, itemized expenses, listings of the property for sale, current fair market value, records depicting the current condition of the property and other relevant documentation, including the cost of demolition and financial information regarding stabilization, repair, rehabilitation, and/or re-use of the building or structure), consider all options for renovation, adaptive reuse and redevelopment, and forward a non-binding recommendation to the Downtown Design Review Committee.
- c. After the Economic Review Board has made a written recommendation, the application shall be deemed complete and the Downtown Design Review Committee shall hold a public hearing within 65 days of receiving said recommendation for the purpose of considering the Certificate of Approval for demolition or removal. The Downtown Design Review Committee shall either approve or deny the application unless the applicant agrees to a continuance.

5. Demolition with Accompanying Proposal for Replacement

- i. If demolition of an existing structure is requested and a new development is being proposed to replace the existing structure, the applicant is encouraged to submit information demonstrating that the proposed new development's contribution to the design, form, and urban character of the district would outweigh that of the building or structure proposed for demolition. Such information may include (but not be limited to) the following:
  - a. Information showing that the new development would conform with adopted plans, such as the City's comprehensive plan and special use plans. If such information is submitted, staff may review applicable plans and make a recommendation concerning the level of conformance that the proposed development demonstrates.



- b. Information showing that the height, massing, architecture, and placement of the new development would complement the urban form and character of the district.
- c. Information showing that the overall contribution of the new development would outweigh the loss of any building or structure that is determined to be a Historic Resource or an Architectural Resource.

(10) Fencing. Fences should comply with the guidelines listed below:

(a) Front yard fences.

- 1. The front yard fence should be a decorative-type open fence of wood picket, split-rail wood fencing, or ornamental metal pickets (including ornamental iron, galvanized steel, aluminum, or similar material having the appearance of traditional wrought iron).
- 2. Picket width and separation should comply with the following:
  - a. For ornamental metal picket fencing four feet or less in height, the maximum picket width should not be less than one inch and the minimum separation of pickets should not be less than two and one-half inches. Spiked caps or spears should not be used.
  - b. On ornamental metal picket fences in excess of four feet in height, minimum separation of pickets should not be less than six inches above the first four feet in height of the fence.
  - c. For wood picket fencing the maximum picket width should be three and one-half inches and the minimum separations of the pickets should be three and one-half inches.
- 3. Support posts for ornamental metal fencing should be metal or masonry columns and shall be spaced so that visibility is not obstructed so as to present a hazard to pedestrians or vehicular traffic.

(b) Side and Rear Yard Fences.

- 1. Fencing materials should consist of open ornamental metal pickets, slatted wood panels, wood pickets, or masonry.
- 2. Ornamental metal fences may be allowed to include masonry columns as referenced for Front Yard Fences.
- 3. Sizes and spacing for pickets on ornamental metal and wood picket fencing should comply with guidelines for Front Yard Fences.

**TABLE 7200.1: DOWNTOWN DESIGN DISTRICT USES REGULATIONS**

**KEY:**

**P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // V = Variance //**

**Reference §59-9350 for standards for specific uses identified as (C), (SE) or (SP).**

USE		DBD	DTD-1	DTD-2
8350.2	Aboveground Flammable Liquid Storage: Restricted	SE	SE	SE
8300.1	Administrative & Professional Offices	P	P	P
8300.2	Adult Day Care Facilities	P	P	P
8300.3	Adult Entertainment Uses	C		
8300.5	Alcoholic Beverage Retail Sales	P	P <sup>1</sup>	P
8300.8	Animal Sales & Services: Grooming	P	P <sup>1</sup>	P
8300.11	Animal Sales & Services: Kennel & Veterinary, Restricted	P	P <sup>1</sup>	P
8250.1	Artistic Graphics	C	C <sup>1</sup>	C
8300.12	Automotive: Parking Garages	P	P <sup>1</sup>	P
8300.13	Automotive: Parking Lots, as a Principal Use	P	P	P
8300.14	Automotive & Equipment: Cleaning & Repairs, Light Equipment	C	C	P
8300.18	Automotive & Equipment: Automobile Dealerships and Malls	P	P <sup>1</sup>	P
8300.21	Automotive & Equipment: Storage		SP	SP
8300.22	Bingo Parlors	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8300.25	Child Care Centers	P	P	P
8300.23	Building Maintenance Services	P	P <sup>1</sup>	P
8300.24	Business Support Services	P	P <sup>1</sup>	P
8300.26	Commercial Blood Centers	SP	SP	SP
8300.27	Communications Services: Antennas	C	C	C
8300.28	Communications Services: Broadcast Towers	C	C	C
8300.	Communications 29Services: Limited	P	P <sup>1</sup>	P
8300.30	Communications Services: Telecommunication Towers	C	C	C
8250.2	Community Recreation: General	P	P <sup>1</sup>	P
8250.3	Community Recreation: Property Owners Association	P	P <sup>1</sup>	P
8250.4	Community Recreation: Restricted	P	P	P

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USE		DBD	DTD-1	DTD-2
8300.31	Construction Sales & Services			P
8200.1	Congregate Care Housing & Convalescent Homes	P	P	P
8300.32	Convenience Sales & Personal Services	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>
8250.5	Cultural Exhibits	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8350.3	Custom Manufacturing	P	P <sup>1</sup>	P
8250.6	Domestic Violence Shelters	SP	SP	SP
8300.33	Drinking Establishments: Sitdown, Alcohol Permitted	SP	SP	SP
8200.2	Dwelling Units And Mixed Use	P	P	P
8300.34	Eating Establishments: Drive-In	P	P <sup>1</sup>	P
8300.35	Eating Establishments: Fast Food	P	P <sup>1</sup>	P
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window	P	P <sup>1</sup>	P
8300.37	Eating Establishments: Sitdown <sup>3</sup>	P	P <sup>1</sup>	P
8300.38	Eating Establishments: Sitdown, Alcohol Permitted	P	P <sup>1</sup>	P
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted	P	P <sup>1</sup>	P
8250.7	Emergency Shelters & Feeding Sites	SP	SP	SP
8300.41	Food & Beverage Retail Sales	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8250.8	Forced Detention or Correction Facilities	SP	SP	SP
8300.42	Funeral & Interment Services: Cremating	P	SP	SP
8300.44	Funeral & Interment Services: Undertaking	P	SP	SP
8300.46	Gasoline Sales. Small: Restricted	P	P <sup>1</sup>	P
8200.3	Group Residential	P	P <sup>1</sup>	P
8250.10	High Impact Institutional	P	P <sup>1</sup>	P
8150.7	Horticulture	SP	SP	P
8350.7	Moderate Industrial			SP
8300.48	Laundry Services	P	P <sup>1</sup>	P
8250.11	Library Services & Community Centers	P	P <sup>1</sup>	P
8350.8	Light Industrial	SP	P <sup>1</sup>	P

**TABLE 7200.1: DOWNTOWN DESIGN DISTRICT USES REGULATIONS**

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USE		DBD	DTD-1	DTD-2
8250.12	Light Public Protection & Utility: General	P	P <sup>1</sup>	P
8250.13	Light Public Protection & Utility: Restricted	P	P <sup>1</sup>	P
8200.4	Live/Work Units	P	P	P
8300.51	Lodging Accommodations: Commercial Lodging	P	P <sup>1</sup>	P
8300.51.1	Lodging Accommodations: Home Sharing	C	C	C
8250.14	Low Impact Institutional: Neighborhood-Related	P	P	P
8200.5	Low Impact Institutional: Residential-Oriented	P	P	P
8300.52	Medical Services: General	P	P <sup>1</sup>	P
8300.53	Medical Services: Restricted	P	P <sup>1</sup>	P
8450.2	Mining and Processing: Oil and Gas	V	V	V
8250.15	Moderate Impact Institutional	P	P <sup>1</sup>	P
8200.12	Multiple-Family Residential	P	P	P
8250.16	Murals	C	C	C
8300.54	Outdoor Sales & Display, and Outdoor Storage	C	C	C
8300.55	Participant Recreation & Entertainment: Indoor	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8300.56	Participant Recreation & Entertainment: Outdoor	SP <sup>2</sup>	SP <sup>2</sup>	P <sup>2</sup>
8300.57	Payday or Title Loan Agencies	P	P <sup>1</sup>	P
8300.58	Personal Services: General	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8300.59	Personal Services: Restricted	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8300.60	Personal Storage	P	P <sup>1</sup>	P
8300.61	Repair Services: Consumer	P	P <sup>1</sup>	P
8300.62	Research Services: Restricted	P	P <sup>1</sup>	P
8250.17	Residential Facilities for Dependent & Neglected Children	SP	SP	SP
8250.18	Residential Facilities for Drug or Alcohol Treatment Center	SP	SP	SP
8300.63	Retail Sales & Services: General	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8300.66	Signs: Non-Accessory	C		
8200.14	Single-Family Residential	P	P	P

**TABLE 7200.1: DOWNTOWN DESIGN DISTRICT USES REGULATIONS**

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**Reference §59-9350 for standards for specific uses identified as (C), (SE) or (SP).**

USE		DBD	DTD-1	DTD-2
8300.67	Spectator Sports & Entertainment: General	P <sup>2</sup>	SP <sup>2</sup>	P <sup>2</sup>
8300.68	Spectator Sports & Entertainment: High Impact	SP <sup>2</sup>	SP <sup>2</sup>	SP <sup>2</sup>
8300.69	Spectator Sports & Entertainment: Restricted	P <sup>2</sup>	P <sup>1, 2</sup>	P <sup>2</sup>
8200.15	Three- and Four-Family Residential	P	P	P
8250.19	Transitional Mental Health Residential Facilities	SP	SP	SP
8200.16	Two-Family Residential	P	P	P
8450.4	Underground Injection Wells: Enhanced Recovery Wells	SE	SE	SE
8350.16	Wholesaling, Storage & Distribution: Restricted	SP	P <sup>1</sup>	P

FOOTNOTES: TABLE 7200.1

<sup>1</sup> There are specific areas of the DTD-1, as defined in Section 59-7200.3.B(1)(a) and (b), where the uses noted are not permitted. See Table 7200.3.

<sup>2</sup> The owner/operator of any property who wishes to serve or sell alcoholic beverages, as defined by State law and subject to State licensing requirements, for on-premises consumption as an accessory function of the primary use of the property, shall meet the condition below. If the condition cannot be met, then said property owner/operator may apply for a Special Permit. The facility in which the alcoholic beverages are served or sold must comply with the City's building code requirements.

- The area allocated to the sale and consumption of alcoholic beverages shall not exceed 15,000 square feet.

<sup>3</sup> Any Planned Unit Development or Simplified Planned Unit Development adopted prior to the effective date of this ordinance that permitted the 8300.37 Eating Establishment: Sitdown, Alcohol Not Permitted use unit shall be permitted to develop according to the 8300.38 Eating Establishment: Sitdown, Alcohol Permitted or 8300.39 Eating Establishment: Sitdown, Limited Alcohol Permitted uses provided they meet the applicable conditions, unless the PUD/SPUD specifically prohibited said uses.

**7200.2. Downtown Business District (DBD).**

A. Purpose and Intent.

The DBD District is intended to support diverse forms of business and residential activity, including mixed-uses in a single building, within the central area of the City. Development regulations and guidelines in this district are intended to promote the development and redevelopment of the downtown area in a manner consistent with the unique and diverse design elements and urban character of the downtown district; ensure that uses are compatible with the commercial, cultural, historical and governmental significance of downtown; promote the downtown as a vital mixed-use area; create a network of pleasant, safe, and connected public spaces and pedestrian amenities; enhance existing structures and circulation patterns; and encourage preservation and restoration historic features.

B. Use Regulations. Table 7200.1 lists the uses allowed in the Downtown Business District.

C. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the Downtown Business District.

TABLE 7200.2: DOWNTOWN DESIGN DISTRICTS BULK STANDARDS			
BULK STANDARDS	DBD	DTD-1	DTD-2
Minimum Lot Size	None	None	None
Minimum Lot Width	None	None	None
Maximum Height	None <sup>7</sup>	None <sup>1,6</sup> 3 stories or 50 ft <sup>2</sup>	None <sup>1</sup>
Minimum Height <sup>4</sup>	3 stories or 50 ft on all street frontages	2 stories or 30 ft on all street frontages	2 stories or 30 ft on all street frontages
YARDS (Additional applicable yard regulations are found in Section 59-12100.3)			
Front and Side Yard <sup>3, 5</sup>	None, however, for new construction a Build-To-Line along street frontages is established as follows: <ul style="list-style-type: none"> <li>The first two floors of new construction shall be placed at or within 10 ft of the street right-of-way.</li> </ul>		

	<ul style="list-style-type: none"> <li>• Up to forty percent of the building on the primary street-frontage may be recessed to allow for entryways, plazas, or similar design features.</li> <li>• Where any setback from the Build-To Line is not a hardscaped plaza or entryway, a landscaped area shall be installed.</li> </ul>		
Rear Yard	None	None	None

FOOTNOTES: TABLE 7200.2

<sup>1</sup> There are specific locations within the DTD-1 District, found in Section 59-7200.3.C(1)(a), and within the DTD-2 District, found in Section 59-7200.4.C(1)(a), where exceptions to the maximum height apply.

<sup>2</sup> Applies within the specific area of the DTD-1, known as the "Cottage District", as defined in Section 59-7200.3.B(1)(a).

<sup>3</sup> Exceptions to setback / build-to lines within the Downtown Design Districts are found in Section 59-7200.1.F(1)(b) and in 59-7200.3.C. (2) for the area known as the "Cottage District".

<sup>4</sup> Exceptions to minimum height within the Downtown Design Districts are found in Section 59-7200.1.F(1)(a).

<sup>5</sup> Where a platted building line exists that requires a greater setback than the DBD, DTD-1 or DTD-2 Districts, the setback/build-to regulations of the zoning district shall be enforced. Enforcement of this regulation does not remove the platted setback from the plat, but allows for the issuance of a building permit with an encroachment on the platted setback.

<sup>6</sup> Chimneys, cooling towers, elevator shafts, bulkheads, broadcasting or receiving antennas, towers, fire towers, tanks, water towers, ornamental towers and spires, wireless towers, and necessary mechanical appurtenances shall be excluded from the measured height of a building. These accessory features may be erected to a height not exceeding 15 feet above the applicable permitted maximum height for that building and shall not be considered a building story.

<sup>7</sup> The maximum building height along both sides of Broadway Avenue, extending to the north/south alley ways running on both sides of Broadway Ave, and from the north side of NW 6<sup>th</sup> St to the south side of W Park Place shall be 80 ft. The maximum building height along both sides of Broadway Avenue, extending to the north/south alley ways running on both sides of Broadway Ave, and from the north side of NW 4<sup>th</sup> St to the south side of NW 6<sup>th</sup> St shall be 140 ft.

**7200.3. Downtown Transitional District, Limited (DTD-1).**

A. Purpose and Intent.

The DTD-1 District is intended to promote a high quality mix of commercial, office, and residential uses, including mixed-uses in a single building, for areas adjacent to the DBD District. Development regulations are intended to promote the development and redevelopment of areas adjacent to the DBD District in a manner consistent with the unique and diverse design elements of the area, ensure compatible commercial and residential uses, create a network of pleasant public spaces and pedestrian amenities, enhance existing structures and circulation patterns, encourage preservation and restoration of historic features, encourage preservation of the cultural significance of the central city, and promote the areas adjacent to the downtown business district as dense, urban and mixed-use neighborhoods.

B. Use Regulations. Table 7200.1 lists the general uses allowed in the DTD-1 District, and Table 7200.3 lists the limited uses allowed within specific areas of the DTD-1 District.

(1) Permitted Uses for Specific Areas. In order to ensure compatible development with existing traditional mixed residential uses, there are two specific areas within the DTD-1 District where only a limited number of uses are permitted.

(a) Area 1, known as the "Cottage District", is defined as: Beginning at a point of intersection between the centerlines of NW 8th Street and North Dewey Avenue; thence west to the centerline of North Lee Avenue; thence north a distance of 190 feet to the centerline of the platted east-west alley between NW 8th and 9th Streets; thence west along said alley to the centerline of North Shartel Avenue; thence north to a point of intersect with the extended centerline of the east-west alley, located in Block 6, Northwest Addition; thence west along the centerlines of said Block 6 and Block 5, Northwest Addition, to a point of intersection with the extended west line of Lot 10, said Block 5, according to the recorded plat, thereof; thence south along said west line to a point of intersection between the extended west line of Lot 23 and the centerline of the platted east-west alley, located in Block 8, Northwest Addition; thence east to the centerline of North Francis Avenue; thence south to NW 7th Street; thence west to a point of intersection with the extended west line of Lot 27, Block 11, Northwest Addition; thence south along said west line to a point of intersection with the centerline of the platted alley located in said Block 11; thence east to the centerline of North Francis Avenue; thence south to the centerline of NW 6th Street; thence east to the centerline of North Shartel Avenue; thence north to the centerline of NW 7th Street; thence east to the centerline of North Lee Avenue; thence south to the centerline of the platted alley, located between NW 5th and 6th Streets; thence east to the centerline of North Dewey Avenue; thence north and along the centerline of Dewey Ave. to the point of beginning.

1. The "Cultural Exhibits" use unit (8250.5) is not allowed in Area 1.



- (b) Area 2 is defined as: all property on the north side of NW 13th Street from the east right-of-way line of Classen Boulevard, to a point 100 feet east of the east right-of-way line of Hudson Avenue.

C. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the DTD-1 District with the following exceptions:

(1) Maximum Height.

- (a) When abutting or within 300 feet of R-1, R-1ZL, R-2, R-3, R-3M, R-4, R-4M, or HP, building height shall be limited within a bulk plane.

When abutting said districts:

1. Within 100 feet shall not exceed two stories or 35 feet;
2. When over 100 feet and within 300 feet shall not exceed four stories or 65 feet.

(2) Setbacks.

- (a) Within the area known as the "Cottage District"

1. For new construction, the front yard setback, or front and side yard setbacks for corner lots, shall be within the range of existing building setbacks on the same side of the street on the same block. The setbacks shall be measured from the plane of any structural element closest to the right-of-way, including enclosed entries and covered porches of either of the first two levels of the building(s).
2. Where less than two structures are located on that same side of the street on the same block, the front yard setback, or front and side yard setbacks for corner lots shall be a maximum of 20 feet from the street frontage property line.

- (3) Signage Regulations. Signage within the Downtown Transitional District, Limited (DTD-1) shall comply with O-2 sign regulations as referenced in Chapter 3 of the Municipal Code and with the regulations and guidelines of this design district as referenced in Sections 59-7200.1.F. and 59-7200.1.G.

D. Development Guidelines. The following additional guidelines are applicable to the area known as the "Cottage District," as defined in Section 59-7200.3.B(1)(a).

- (1) The following permitted uses: Single-Family Residential (59-8200.14); Two-Family Residential (59-8200.16); Three- and Four-Family Residential (59-8200.15); and Multiple-Family Residential (59-8200.12), are subject to:

- (a) Garages. Where alleys are accessible, front-facing garages should not be permitted, rather access should be provided from the alley. In instances of detached garages, access should be behind the rear wall of the house.

**TABLE 7200.3: DOWNTOWN TRANSITIONAL DISTRICT, LIMITED (DTD-1) USES REGULATIONS**

**KEY:**

P = Permitted // C = Conditional // SE = Special Exception //

SP = Special Permit // A = ABC Overlay

Reference Section 59-9350 for standards for specific uses identified as (C), (SE), (SP), or (ABC).

	USE	DTD-1
8300.1	Administrative and Professional Offices	P
8300.13	Automotive: Parking Lots, as a Principal Use	P
8250.4	Community Recreation: Restricted	P
8200.1	Congregate Care Housing and Convalescent Homes	P
8300.32	Convenience Sales and Personal Services	P
8250.5	Cultural Exhibits	P <sup>1</sup>
8200.2	Dwelling Units and Mixed Use	P
8200.4	Live/Work Units	P
8250.14	Low Impact Institutional: Neighborhood-Related	P
8200.5	Low Impact Institutional: Residential-Oriented	P
8200.12	Multiple-Family Residential	P
8200.14	Single-Family Residential	P
8200.15	Three- and Four-Family Residential	P
8200.16	Two-Family Residential	P

FOOTNOTES: TABLE 7200.3

<sup>1</sup> The "Cultural Exhibits" use is not permitted within the "Cottage District" area, as defined in Section 59-7200.3.B(1)(a).

**7200.4. Downtown Transitional District, General (DTD-2).**

A. Purpose and Intent.

The DTD-2 District is intended to promote a high quality mix of commercial, office, residential, and industrial uses, including mixed-uses in a single building, for areas adjacent the DBD District. Development regulations in this district are intended to promote the development and redevelopment of areas adjacent to the DBD District in a manner consistent with the unique and diverse design elements of the area, ensure that areas adjacent to the DBD District contain land uses compatible with commercial, residential, and cultural significance of the central City, create a network of pleasant public spaces and pedestrian amenities, enhance existing structures and circulation patterns, encourage preservation and restoration of historic features, encourage preservation of the cultural significance of the central city, and promote the areas adjacent to the downtown business district as dense, urban and mixed-use neighborhoods.

B. Use Regulations. Table 7200.1 lists the uses allowed in the DTD-2 District.

(1) Signage Regulations: Signage within the Downtown Transitional District, General (DTD-2) shall comply with O-2 sign regulations as referenced in Chapter 3 of the Municipal Code and with the regulations and criteria of this design district as referenced in Section 59-7200.1.F.

C. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the DTD-2 District.

(1) Exceptions to Maximum Height.

- (a) When abutting or within 300 feet of R-1, R-1ZL, R-2, R-3, R-3M, R-4, R-4M or HP, building height shall be limited within a bulk plane: When abutting said zoning districts,
1. Within 100 feet shall not exceed two stories or 35 feet;
  2. When over 100 feet and within 300 feet, shall not exceed four stories or 65 feet.

\* \* \*

**ARTICLE VIII. - USE UNIT CLASSIFICATIONS**

\* \* \*

**§ 59-8500. - Temporary uses.**

\* \* \*

**8500.2. Permitted Temporary Uses.**

\* \* \*

**B. Temporary Construction Sites.**

- (1) Temporary Buildings, On-Site. In all districts, temporary buildings for uses incidental to construction work shall be permitted provided they shall be removed upon the completion or abandonment of the construction work.
- (2) Temporary Construction Staging Areas, Off-Site. In the BC, DBD, DTD-1, DTD-2, and SRODD Districts, off-site staging areas may be allowed on a temporary basis in order to facilitate construction projects. Temporary Construction Staging Areas, Off-Site shall:
  - (a) Accommodate only temporary storage of equipment and materials during the period of construction;
  - (b) Provide screening of materials and equipment from street frontages;
  - (c) Be allowed to provide screening by installation of manufacturer coated chain-link fencing with mesh screening along street frontages;
  - (d) Be allowed to install gravel surface where the existing surface is not paved to City's standards, as long as appropriate materials to prevent gravel from infiltrating the soil and erosion controls in accordance with Chapter 16 and Chapter 48 are installed; and
  - (e) Be returned to original or better condition, including removal of fencing materials and gravel, within two weeks of completion of construction or abandonment of the construction work.

- C. Travel Trailers.** Temporary use of freestanding travel trailers shall be permitted in association with public amusements, circuses, carnivals, exhibitions, public sales, sporting events or other events, provided that such event is licensed or authorized by the City and is lawfully conducted within or upon public or private facilities or property. This permission shall be granted on the condition that the required permit or license for said event has been paid for and obtained. If no permit or license is required, said event shall have received such authorization as is required from the City. Such permission shall cease to be in effect upon the revocation or expiration of the license or authorization granted by the City, or upon the final closing of the event, not considering day-to-day closings.

D. Dumpsters, Enclosed Storage Containers and Shipping Containers. Commercial dumpsters, enclosed storage containers (such as MODs and PODs) and shipping containers may be temporarily located in residential zoning districts in the front and side yard provided:

- (1) The unit shall not be located on the property longer than 180 days.
- (2) The unit shall be located on a hard surfaced area.
- (3) The unit may encroach required building setbacks, but shall not encroach the right-of-way, sidewalk or sight-triangle.
- (4) Units located behind the rear wall of the primary structure shall be subject to the Standards for Accessory Buildings, Chapter 59, Section 59-12200.2.

**ARTICLE IX. - USE STANDARDS**

\* \* \*

**§ 59-9350. - Standards for specific uses.**

Certain uses of land or buildings exhibit unique characteristics that necessitate the application of special standards in order to coexist with adjacent and nearby uses, and the neighborhood or land use areas in which they are to be placed. The use matrices and provisions included in Article VI, Zoning Base Districts, and Article VII, Special Purpose and Overlay Districts, indicate whether the use is a prohibited, permitted, conditional, special exception or special permit use. The specific standards for that use are included below.

\* \* \*

**9350.4. Adult Entertainment Uses (59-8300.3).**

- A. Purpose. It has become apparent that the concentration of Adult Entertainment Uses in the City tends to result in the blighting and deterioration of those areas subject to such concentration. Accordingly, it is deemed necessary to regulate such uses in a manner reasonably calculated to prevent the occurrence of such deleterious effects upon surrounding properties.
- B. Development Regulations for Adult Entertainment Uses. Any person applying for a conditional use permit to locate, remodel, alter, rebuild or relocate any of the above-referenced uses within the City must show that said use will comply with the following developmental criteria, as well as other criteria contained within this article generally:
  - (1) Adult entertainment uses as specified herein above shall be permitted to locate only in the C-3, C-4, C-CBD and DBD Districts.
  - (2) No conditional use permit shall be granted for any proposed location which is within a 1,000-foot radius of any other Adult Entertainment Use, as specified herein above.
  - (3) No Adult Entertainment Use shall be allowed to locate within a 500-foot radius of any church, public or private school (i.e. type which offers a compulsory educational curriculum), or public or private park. No Adult Entertainment Use shall be allowed to locate within 500 feet of any area zoned for residential use.
  - (4) All distances required to be met pursuant to the terms of this section shall begin at the property line of the proposed use and be measured to the nearest property line of the public or private school, park, church, residentially zoned area or Adult Entertainment Use within the proscribed distance, if any.

- C. Adult Entertainment Uses in Violation of These Provisions. Any business in existence as of the effective date of this chapter, which is in violation hereof, shall be deemed an illegal use. Such illegal uses shall not in any manner be enlarged, extended, altered or rebuilt except that such uses may be changed to comply with the provisions of this section.

Such uses as are deemed nonconforming uses pursuant to the terms of this section shall be permitted to continue until February 18, 1986, unless such use is terminated for any reason whatsoever prior thereto for a period of 30 days or more, thereafter such nonconforming use shall terminate or come into compliance with the terms of this section.

- D. First Use Deemed Complying. In the event that any two or more Adult Entertainment Uses are located within 1,000 feet of each other as of the effective date of this chapter, that Adult Entertainment Use first been licensed or continually operated shall be deemed to be the complying use. The person, firm, corporation or other entity responsible for the operation or management of the Adult Entertainment Use in such cases shall have the responsibility of proving to the Director, or his/her designated representative, by documented evidence, the date on which such Adult Entertainment Use was first licensed or began continuous operation.

\* \* \*

**9350.12. Artistic Graphics (59-8250.1).**

\* \* \*

- B. Conditions for Approval in DBD, DTD-1 and DTD-2 Districts. All Artistic Graphics in the DBD, DTD-1 and DTD-2 Districts may be permitted upon review by the Oklahoma City Arts Commission.

\* \* \*

**9350.19. Communication Services (59-8300.27, 59-8300.28, 59-8300.29 and 59-8300.30).**

- A. Broadcast Towers (59-8300.28).

(1) Conditions for Approval of a Conditional Use. The following provisions shall apply in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC, I-1, I-2, I-3 and PUD Districts:

- (a) The maximum height of the tower, including antenna array, shall not exceed 200 feet in height. Any tower that does not meet the 200-foot height restriction shall be required to obtain a special permit.
- (b) All towers shall be located on a site so as to provide a minimum distance equal to 125 percent of the height of the tower from all property lines. The Planning Director may modify this requirement to not less than 50 percent of the height of the tower where tower design will assure a collapsing tower will fall within

a smaller area. The minimum distance required by this Paragraph shall be measured from the base of the tower to all abutting property lines.

- (c) All guys and guy anchors shall be located within the buildable area of the lot and not within the front, rear or side yard setbacks, and no closer than five feet to any property line.
  - (d) All towers shall observe a minimum setback of 50 feet from any abutting street right-of-way and a minimum setback from any abutting expressway or highway of 100 feet.
  - (e) A fence not less than eight feet in height, as measured from finished grade, shall be installed around the site with access through a locked gate.
  - (f) All telecommunication sites shall be landscaped and maintained with non-deciduous trees, at least six feet in height, planted on ten-foot centers, on the outside of the required fence, on all sides of the site. Upon written request, the Planning Director may modify or waive this requirement if the landscaping requirement is not consistent with the surrounding area.
  - (g) No signals or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC) Federal Aviation Administration (FAA) or City agency.
  - (h) No commercial advertising or signage shall be allowed on any tower.
- (2) Residential Districts Waiver. Broadcast Towers may be located in a residential district if:
- (a) Development conditions listed in Paragraph B below are met. The height restrictions of Paragraph B(1)(a) below are applicable and refer to residential uses and not districts.
  - (b) The subject site is vacant and/or unplatted. However, the subject site may be occupied with a non-residential land use which is a legal use and/or a legal nonconforming use.
  - (c) There are no residential uses located within 300 feet of the base of the tower.

**B. Telecommunication Towers (59-8300.30).**

- (1) Conditions for Approval of a Conditional Use. The following provisions shall apply in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC, I-1, I-2, I-3 and PUD Districts:
- (a) The maximum height of the tower, including antenna array, shall not exceed 200 feet in height. Any tower that does not meet the 200-foot height restriction shall be required to obtain a special permit.
  - (b) Minimum Distances for Towers and Sites
    - 1. All towers shall be located so as to provide a minimum distance equal to 125 percent of the height of the tower from any residential district or use.



2. All cellular or telecommunication sites shall be located so as to provide a minimum distance of 25 feet from all exterior boundaries of the cellular or telecommunication site to all property lines of any abutting parcels in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC or I-1 Districts. A cellular or telecommunication site may be located closer than 25 feet to such property lines if the written consent of all abutting property owners whose property line(s) would be within 25 feet of the site is obtained. The minimum distance required by this Paragraph shall be measured from the fence surrounding the site, as required by Paragraph (i) below, to all property lines of any abutting property in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC or I-1 Districts.
  3. All towers shall be located so as to provide a minimum distance of 50 feet from the tower to all property lines of any abutting parcels in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC or I-1 Districts. A tower may be located closer than 50 feet to such property lines if the written consent of all abutting property owners whose property line(s) would be within 50 feet of the site is obtained. The minimum distance required by this Paragraph shall be measured from the base of the tower to all property lines of any abutting parcels in the AA, O-1, O-2, NB, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC or I-1 Districts.
- (c) All towers over a height of 75 feet shall be constructed so that it may be utilized by two or more wireless communication providers. Proof of such capacity shall be submitted before a building permit is issued. Any tower which does not meet this co-location requirement shall be required to obtain a special permit. All towers between a height of 35 to 75 feet shall not be required to provide co-location capabilities.
  - (d) New telecommunication towers, above 75 feet in height, shall be a minimum distance of at least one-half mile from another telecommunication tower. New telecommunication towers between the heights of 35 and 75 feet shall observe a minimum distance of at least one-quarter mile from another telecommunication tower.
  - (e) All towers shall be of monopole type construction if located within 500 feet of any residential district or use.
  - (f) All guys and guy anchors shall be located within the buildable area of the lot and not within the front, rear or side yard setbacks, and no closer than five feet to any property line.
  - (g) All towers shall observe a minimum setback from any abutting street rights-of-way or from any abutting expressway or highway.
  - (h) Any related unmanned equipment building shall not contain more than 750 square feet or gross floor area per carrier and shall not be more than 12 feet in height from finished floor elevation. Small equipment cabinets, which contain

all necessary instruments to the operation of the antenna, are encouraged as an alternative to the equipment building.

- (i) A fence not less than eight feet in height, as measured from finished grade, shall be installed around the telecommunication site with access through a locked gate.
- (j) All telecommunication sites shall be landscaped and maintained with non-deciduous trees, at least six feet in height, planted on ten-foot centers, on the outside of the required fence, on all sides of the site. Upon written request, the Planning Director may modify or waive this requirement, if the landscaping requirement is not consistent with the surrounding area.
- (k) No signals or warning lights shall be permitted on any tower unless required by the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or City agency.
- (l) No commercial advertising or signage shall be allowed on any tower.

\* \* \*

**9350.25.1 Drinking Establishments: Sitdown, Alcohol Permitted (59-8300.33).**

- A. Each use shall comply with all standards and provisions of the zoning district, unless specifically modified by this section.
- B. Any Drinking Establishment: Sitdown Alcohol Permitted use within the O-2 General Office District must meet the specific use standards for an eating establishment set forth in 9350.26.
- C. Location Requirements
  - (1) No drinking establishment use shall be allowed to locate within 300 feet of any church property primarily and regularly used for worship services and religious activities, or any public or private school of the type which offers a compulsory education curriculum; however, a college or university located within an improvement district created pursuant to Section 39-103.1 of Title 11 of the Oklahoma Statutes may waive the 300-foot requirement pursuant to 37A O.S. § 2-139. Distances shall be measured from the nearest property line of the public or private school, or church to the nearest perimeter wall of any such drinking establishment.
  - (2) If food or beverages are consumed in an outdoor seating/activity area at any time between the hours of 11:00 p.m. and 8:00 a.m., the outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest abutting property line of a residential use. Distances shall be measured from the closest edge of the outdoor seating/activity area to the nearest property line of the residential use.

- D. Site Plan Requirements. In addition to the Special Permit site plan requirements as specified in 59-4250.2.D., the location and dimensions of the area(s) designated for the sales and consumption of alcoholic beverages shall be shown on the site plan.
- E. Notification Requirements. Applications for a Special Permit allowing the Drinking Establishments: Sitdown, Alcohol Permitted (8300.33) use shall be accompanied by a list of all owners of property within 600 feet of the exterior boundary of the subject property upon which the special permit is requested. In addition, the 600-foot radius shall be extended by increments of 100 lineal feet until the list contains a minimum of ten individual property owners of ten separate parcels.
- F. Revocation of Special Permit for Drinking Establishments: Sitdown, Alcohol Permitted (8300.33). A Special Permit may be revoked as specified in 59-4250.2.F.
- G. Expiration of Special Permit for Drinking Establishments: Sitdown, Alcohol Permitted (8300.33). In addition to the conditions for expiration of a Special Permit as specified in 59-4250.2.F., a Special Permit for the use Drinking Establishments: Sitdown, Alcohol Permitted (8300.33) will expire if:
- (1) For a period of 12 months or more any of the following occurs:
    - (a) The City license for the sale of alcoholic beverages is not renewed when due.
    - (b) The occupation tax relating to the sale of alcoholic beverages is not paid when due.
    - (c) The sale or consumption of alcoholic beverages on the premises ceases.
  - (2) The State revokes or does not renew the operator's license.
- H. Nonconforming Uses
- (1) All establishments legally established under an Alcoholic Beverage Consumption Overlay District (ABC-3) shall continue to operate in accordance with the zoning overlay unless an application to remove the overlay is approved by the City Council.
  - (2) All establishments legally established prior to May 9, 1985 shall be considered legal nonconforming. If such a use was approved as a special permit or special exception, and fails to continue operating in accordance with that approval, then the use will be considered illegal.
    - (a) Legal nonconformities will cease if:
      - (1) For a period of six months or more, any of the following occurs:
        - i. The City license for the sale of alcoholic beverages is not renewed when due.
        - ii. The occupation tax relating to the sale of alcoholic beverages is not paid when due.
        - iii. The sale and consumption of alcoholic beverages on the premises ceases.

- (2) The use of the premises is changed to a use other than one relating to or authorizing the on-site consumption of alcoholic beverages.
- (3) The original special permit or special exception is revoked.
- (4) The State revokes or does not renew the operator's license.

**9350.26. Eating Establishments: Sitdown, Alcohol Not Permitted (59-8300.37). and Eating Establishments: Sitdown, Limited Alcohol Permitted (59-8300.39).**

- A. Each use shall comply with all standards and provisions of the zoning district, unless specifically modified by this section.
- B. The facilities shall be located entirely within a principal building as an accessory use and shall have access from an interior lobby, hallway or interior courtyard, provided that one major exterior entrance shall be permitted.
- C. The facilities shall not collectively occupy more than ten percent of the gross floor area of the entire project.

**9350.26.1 Eating Establishments: Sitdown, Alcohol Permitted (59-8300.38).**

- A. Each use shall comply with all standards and provisions of the zoning district, unless specifically modified by this section.
- B. In addition to the conditions contained within this section, any Eating Establishment: Sitdown, Alcohol Permitted use within the O-2 General Office District must meet the specific use standards for an eating establishment set forth in 9350.26.
- C. Any existing Planned Unit Development or Simplified Planned Unit Development permitting the 8300.37 Eating Establishment: Sitdown, Alcohol Not Permitted use unit shall be permitted to develop according to the 8300.38 Eating Establishment: Sitdown, Alcohol Permitted or 8300.39 Eating Establishment: Sitdown, Limited Alcohol Permitted uses provided they meet the applicable conditions, unless the existing PUD/SPUD specifically prohibits said uses.
- D. Exterior lighting shall be installed and arranged to minimize glare on adjacent properties and streets, and be in compliance with the lighting requirements in Section 59-12350.
- E. If food or beverages are consumed in an outdoor seating/activity area between the hours of 11:00 p.m. and 8:00 a.m., the outdoor seating/activity area shall be separated by a distance of at least 100 feet from the nearest abutting property line of a residential use. Distances shall be measured from the closest edge of the outdoor seating/activity area to the nearest property line of the residential use.
- F. The area allocated to the sale and consumption of alcoholic beverages shall not exceed 15,000 square feet.
- G. Any Eating Establishments: Sitdown, Alcohol Permitted use which does not meet the conditions outlined herein shall be required to obtain a Special Permit.
- H. Nonconforming Uses

- (1) All establishments legally established under an Alcoholic Beverage Consumption Overlay District (ABC-2) shall continue to operate in accordance with the zoning overlay unless an application to remove the overlay is approved by the City Council.
- (2) All establishments legally established prior to May 9, 1985 shall be considered legal nonconforming. If such a use was approved as a special permit or special exception, and fails to continue operating in accordance with that approval, then the use will be considered illegal.
  - (a) Legal nonconformities will cease if:
    - (1) For a period of six months or more, any of the following occurs:
      - i. The City license for the sale of alcoholic beverages is not renewed when due.
      - ii. The occupation tax relating to the sale of alcoholic beverages is not paid when due.
      - iii. The sale and consumption of alcoholic beverages on the premises ceases.
    - (2) The use of the premises is changed to a use other than one relating to or authorizing the on-site consumption of alcoholic beverages.
    - (3) The original special permit or special exception is revoked.
    - (4) The State revokes or does not renew the operator's license.

\* \* \*

**9350.38.1. Lodging Accommodations: Home Sharing.**

- A. The rental of the entire home or bedroom(s) may not exceed 30 consecutive days per renter/guest.
- B. The owner/host shall be required to comply with any applicable building or fire codes adopted by the City, including but not limited to working smoke detectors, a carbon monoxide detector and a functioning fire extinguisher.
- C. The owner/host must obtain a home sharing license.
- D. All applicable fees and taxes must be collected and paid.
- E. A special exception must be obtained for home sharing where the property:
  - (1) is not the primary residence of the host; or
  - (2) is located within the boundaries of a Historic Preservation District, in which case the property shall be the host's primary residence and occupied by the host at the time of the rental.

Provided, a special exception shall not be required for any property at which, prior to January 15, 2019, lodging accommodations in a dwelling or room(s) in a

dwelling were provided for rent for a temporary period of time not exceeding 30 consecutive days per guest and for which a home sharing license has been granted by the Supervisor of Licenses pursuant to Section 13-510 of this Code.

- F. A special exception pursuant to Subsection E of this section may be granted for a maximum period of ten (10) years. When the time period expires, if the applicant desires to continue the use, the applicant shall file a new application for a special exception and have the case reviewed by the Board of Adjustment.

\* \* \*

**9350.47. Outdoor Sales and Display, and Outdoor Storage (59-8300.54).**

- A. If sight-proof screening is required by this chapter, no Outdoor Sales and Displays, and Outdoor Storage shall be stacked or extend above the required sight-proof screening.
- B. Where vehicles or equipment are permitted to be stored outside while awaiting repair at a use permitted in the district, said parking or storage areas shall be screened from view by a sight-proof fence or a building. No vehicle shall be stored outside for longer than 45 days.
- C. In the C-1 District, the display shall be limited to the private sidewalk in front of the store; and no required parking lot area, public sidewalk or street right-of-way shall be used as a display or sales, area. Provided, the storage and display of tires shall comply with the following additional regulations: (1) Tires shall not be stored outside the confines of an enclosed building; however, tires may be displayed for sale outside the confines of an enclosed building, but only between the hours of 6:00 a.m. and 9:00 p.m. daily; and (2) All premises upon which tires are stored or displayed in violation of this Subsection C shall be brought into compliance with this subsection within six months of the effective date of this ordinance.
- D. In the NB District the following restrictions will apply:
  - (1) Gasoline sales but subject to the conditions referred to in this section as well as all other applicable codes and ordinances.
  - (2) Sales of perishable items such as flowers, fruits, vegetables, and nuts subject to the conditions referred to in this section as well as all other applicable codes and ordinances.
  - (3) Sales of prepared food and beverage items whether intended to be consumed on or off-site subject to the conditions referred to in this section as well as all other applicable codes and ordinances.
  - (4) Special sales merchandise may be temporarily displayed outdoors for up to 4 times per year and for no longer than six consecutive calendar days.
  - (5) Temporary special merchant promotions, authorized by City regulations, may display on public sidewalk for up to four times per year and for no longer than six consecutive calendar days.

- E. In the C-2 District, only permanent outside sales and display areas for retail stores, such as garden centers, are permitted. The sales and display area shall be located behind the front building setback line and screened so that it cannot be seen from any property line. Provided, the storage and display of tires shall comply with the following additional regulations: (1) Tires shall not be stored outside the confines of an enclosed building; however, tires may be displayed for sale outside the confines of an enclosed building, but only between the hours of 6:00 a.m. and 9:00 p.m. daily; and (2) All premises upon which tires are stored or displayed in violation of the Subsection E shall be brought into compliance with this subsection within six months of the effective date of this ordinance.
- F. In the C-3 District, only permanent outside sales and display areas for retail stores, such as garden centers, are permitted. The sales and display area shall be located behind the front building setback line and screened so that it cannot be seen from any property line. Special sales merchandise may temporarily be displayed outside provided the display shall be limited to the private sidewalk in front of the store; and no required parking lot area, public sidewalk or street right-of-way shall be used as a display or sales, area. Provided, the storage and display of tires shall comply with the following additional regulations: (1) Tires shall not be stored outside the confines of an enclosed building; however, tires may be displayed for sale outside the confines of an enclosed building, but only between the hours of 6:00 a.m. and 9:00 p.m. daily; and (2) All premises upon which tires are stored or displayed in violation of the Subsection F shall be brought into compliance with this subsection within six months of the effective date of this ordinance.
- G. In the C-4 District no required parking lot area shall be used as a display or sales area. No public sidewalk or street right-of-way shall be used for display, except for an approved temporary special merchant promotion authorized by City regulations. No article not being actively offered for sale shall be stored on a temporary or permanent basis outside the confines of an enclosed building. Provided, the storage and display of tires shall comply with the following additional regulations: (1) Tires shall not be stored outside the confines of an enclosed building; however, tires may be displayed for sale outside the confines of an enclosed building, but only between the hours of 6:00 a.m. and 9:00 p.m. daily; and (2) All premises upon which tires are stored or displayed in violation of the Subsection G shall be brought into compliance with this subsection within six months of the effective date of this ordinance.
- H. In the CBD District, no article or material shall be kept, stored or displayed outside the confines of the building unless it is so screened by fences, walls, or planting that it cannot be seen from a public street.
- I. In the CH-C District, all uses permitted shall take place within a completely enclosed building except gasoline sales.
- J. In the DBD, DTD-1, and DTD-2 Districts, no article or material shall be kept, stored, sold, or displayed, outside the confines of the building, with the following exceptions:

- (1) In the DTD-1 and DTD-2 Districts, Light Industrial (59-8350.8) uses may be permitted outdoor storage upon approval, and subject to any conditions imposed, through the Special Permit process.
  - (2) Sale of merchandise that is accessory and/or non-accessory to the principal use to include Food From Vehicle Sales (as referenced in Chapter 21, Article VIII) and Outdoor Sellers shall be permitted, subject to the following:
    - (a) All applicable provisions of Chapter 21 and Chapter 39 of the Oklahoma City Municipal Code shall be met unless modified by this section.
    - (b) All temporary materials and structures used for the conduct of sales of merchandise or consumable products, including but not limited to stands, pushcarts, tents, vehicles, signs, and displays shall be removed from the property or stored inside a building when not being used for permitted sales activity.
    - (c) Except for sales associated with an approved Revocable Permit, Administrative Revocable Permit, Special Event Permit or Activity Permit, no such sales shall be conducted within the following areas: Beginning at the northeast corner of Hudson Avenue and Dean A. McGee Avenue; thence proceeding north along the east side of Hudson Avenue to the southeast corner of NW 7th Street; thence proceeding east along the south side of NW 7th Street to the center of the north/south alley in Block 16, Oklahoma City Addition located between Robinson Avenue and Broadway Avenue; thence proceeding south along the center of the alleys in Blocks 16, 17, 18 and 19 to the north side of Dean A. McGee Avenue; thence west along the north side of Dean A. McGee Avenue to the northeast corner of Hudson Avenue.
- K. In the DBD, DTD-1, and DTD-2 Districts display of goods and materials not actively offered for sale shall be prohibited.
- L. In the DBD, DTD-1, and DTD-2 Districts, temporary outdoor displays for special sales merchandise that is accessory to the principal use is permitted provided the display shall be limited to the sidewalk in front of the store and is subject to all required permits. Provided, the storage and display of tires shall comply with the following additional regulations: (1) Tires shall not be stored outside the confines of an enclosed building; however tires may be display for sale outside the confines of an enclosed building but only within the hours of 6:00 a.m. and 9:00 p.m. daily; and (2) All premises upon which tires are stored or displayed in violation of Subsection L. shall be brought into compliance with this subsection within six months of the effective date of this ordinance.

\* \* \*

**9350.59. Signs: Non-Accessory (59-8300.66).**

\* \* \*



D. Conditions for Approval in DBD District.

- (1) All non-accessory signs located within the DBD District shall be subject to the C-CBD Sign Regulations contained in Chapter 3 of the City Code.
- (2) In order to protect the viewscapes of the Oklahoma City National Memorial, non-accessory signs are not permitted in an area of the DBD District located between Dean A. McGee Avenue, NW 7th Street, North Broadway Avenue and North Hudson Avenue.

\* \* \*

**ARTICLE X. - OFF-STREET PARKING, LOADING AND ACCESS**

\* \* \*

**§ 59-10600. - Off-street parking requirements.**

\* \* \*

**10600.3. Off-Street Parking Exemptions:**

The erection, expansion or use of any principal building or secondary structure located in the following districts shall not be required to provide minimum off-street parking:

- A. Fringe Parking Overlay District.
- B. NB Neighborhood Business District.
- C. DBD Downtown Business District.
- D. DTD-1 Downtown Transitional District Limited.
- E. DTD-2 Downtown Transitional District General.
- F. C-CBD Central Business District.
- G. NC Neighborhood Conservation District, Tract 5, as defined in Appendix A of this chapter.
- H. UD Urban Design Overlay, except west of North Classen Boulevard.
- I. BC Bricktown Core.
- J. The Farmers Market District of the Scenic River Overlay Design District (SRODD).

\* \* \*

**§ 59-10700. - Off-street loading requirements.**

\* \* \*

**10700.6. Exemptions to Off-Street Loading Requirements.**

\* \* \*

- B. In the DBD, DTD-1 and DTD-2 Districts, no off-street loading is required. However, that within these districts, the applicant may apply to the Traffic and Transportation Commission for a street loading zone that does not impede a moving lane of traffic.

\* \* \*

**ARTICLE XI. - LANDSCAPING AND SCREENING REGULATIONS**

\* \* \*

**§ 59-11150. - General regulations.**

\* \* \*

D. Specific landscaping requirements that may be more or less restrictive than the requirements of this chapter may be imposed on developments within the following:

- (1) Bricktown Design District;
- (2) Community Unit Plan Developments;
- (3) Downtown Design Districts;
- (4) Historic Preservation or Landmark Districts;
- (5) Neighborhood Conservation District;
- (6) Planned Unit Developments;
- (7) Scenic River Overlay District;
- (8) Scenic River Overlay Design District;
- (9) Simplified Planned Unit Developments;
- (10) Stockyard City and Stockyard City Transitional Districts;
- (11) Urban Conservation Districts; and
- (12) Property affected by special permit, special exception or variance.

\* \* \*

**§ 59-11250. - Landscape requirements.**

\* \* \*

E. Automotive Parking Lot Landscape Requirements for All Other Residential (excluding Single-Family, Duplex, and Mobile Home), Office, Civic, Commercial Use Units and the Horticultural Use Unit in the Following Districts: R-1, R-1ZL, R-MH-1, R-MH-2, R-2, R-3, R-3M, R-4, R-4M, NC, O-1, O-2, C-1, C-2, C-3, C-4, I-1, I-2, I-3, HP, NBD, NC, SYD, SPUD, PUD, BC, C-CBD, DBD, DTD-1, DTD-2 and C-HC. The purpose of Parking Lot Islands and/or Parking Lot Peninsulas is to help reduce glare and heat buildup, promote interior islands for pedestrian safety and traffic separation, visually break up large expanses of pavement, and reduce surface runoff. All non-covered, street-level parking facilities established and governed by this chapter shall be landscaped in accordance with the following requirements:

- (1) In addition to the number of Site Points, if required, two additional points shall be used to install Parking Lot Plantings for each parking space provided. Parking Lot Plantings shall be located:
  - (a) Within the Parking Lot Perimeter where parking lots are located adjacent to the public right-of-way, as follows:
    1. Evergreen shrubs reaching a mature height of at least three feet and spaced a maximum of five feet on center, and/or
    2. Trees planted between 15 and 35 feet on center. Selection of species and recommended spacings shall be directed by the document "Trees and Plants for Oklahoma City," as referenced in § 59-11150.P.
  - (b) Within internal landscaped areas disbursed throughout the parking lot by:
    1. Interior Parking Lot Island or Peninsula, and/or
    2. Continuous landscaped strip a minimum of five feet in width.
      - i. Where a continuous landscaped strip is installed along any internal pedestrian access way, the landscaped strip may be divided on both sides of the access way, as long as the combined width maintains a minimum of five feet.
- (2) Each Parking Lot Island and Peninsula shall be a minimum of 100 square feet of planting area with a minimum average width of five feet from inside curb to inside curb.
- (3) Internal landscaped areas in parking lots, such as Parking Lot Islands, Peninsulas, and landscaped strips between rows of parking, are encouraged to be designed with Low Impact Development techniques and utilized for stormwater management.
- (4) A minimum of 25 percent of points used for Parking Lot Plantings shall be evergreen.
- (5) The distance between any parking space and a medium shade tree shall be no more than 75 feet. Selection of species and recommended spacings shall be directed by the document "Trees and Plants for Oklahoma City," as referenced in § 59-11150.P.
- (6) Required Parking Lot Plantings shall be in-ground and not placed upon a paved surface.
- (7) All internal landscaped areas shall be protected with concrete curbs, parking stops, or equivalent barriers.
- (8) Each tree shall be planted a minimum of two and one-half feet away from the outside of any permanent barrier of a Landscaped Area or edge of the parking area. Trees shall be planted where trunks will not be damaged by car doors and bumpers.

- (9) Groundcover or grasses shall be planted to cover each Parking Lot Planting area within three years from the date of issuance of the Certificate of Occupancy. All groundcover shall have a mature height of not more than 24 inches. Loose rock, gravel, decorative rock or stone, or mulch shall not exceed 20 percent of the parking lot planting area.
- (10) Plantings applied to satisfy Parking Lot Planting requirements shall be in addition to any required front, side and rear yard buffer requirements.
- (11) Stand-alone parking lots shall require three points of landscaping to be used for Parking Lot Plantings for each parking space installed, and shall be exempt from Site Points for the Developed Area.
- (12) Any construction within, expansion or reconstruction in excess of 500 square feet of existing parking facilities shall be required to come into compliance with landscape requirements as follows:
  - (a) One point of landscaping for every 200 square feet of proposed developed area of the parking facility, with a minimum of ten points.
  - (b) One point of landscaping to be used for Parking Lot Plantings for every additional parking space provided.
- (13) Exceptions to Automotive Parking Lot Landscaping Requirements. The requirements of this subsection shall not apply to:
  - (a) Parking garages or parking decks.
  - (b) Model Home Accessory Parking Lots (8200.9)
  - (c) Display areas for uses in the following use units:
    1. Automotive and Equipment: Automobile Dealerships and Malls (59-8300.18)
    2. Automotive and Equipment: Sales and Rentals, Farm and Heavy Equipment (59-8300.19)
    3. Automotive and Equipment: Sales and Rentals, Manufactured (Mobile) Homes and Recreational Vehicles (59-8300.20)
  - (d) Existing parking lots legally established prior to the adoption of these regulations; until such time as any construction, expansion or reconstruction of the parking lot occurs.

\* \* \*

**ARTICLE XII. - SITE DEVELOPMENT STANDARDS**

\* \* \*

**§ 59-12200. - Standards for accessory buildings, structures and uses.**

**12200.1. Permitted Accessory Structures and Uses.**

Accessory structures and uses, including swimming pools, which are customarily associated with, and incidental and subordinate to a principal use, shall be permitted, subject to applicable City codes and the regulations of this chapter. Table 12200.1 indicates which accessory uses are permitted within each district, subject to the regulations of this article.

TABLE 12200.1: PERMITTED ACCESSORY STRUCTURES AND USES							
DISTRICT	PERMITTED ACCESSORY STRUCTURES AND USES						
	General Accessory Buildings (Subject to Section 59-12200.2)	Fence (Subject to Section 59-12200.3 B)	Accessory Signs (Subject to Municipal Code, Chapter 3 and Section 59-12200.3E) and 59-12200.4C	Home Occupation (Subject to Section 59-12200.3C)	Carport (Subject to Section 59-12200.3A)	Swimming Pools (Subject to City Code Chapter 12)	Satellite Dishes Subject to Section 59-12200.3D)
AA <sup>2</sup>	X	X	X	X		X	
RA2	X	X	X	X		X	X
RA	X	X	X	X		X	X
R-1	X	X	X	X	X	X	X
R-1ZL	X	X	X	X	X	X	X
R-2	X	X	X	X	X	X	X
R-3	X	X	X	X	X	X	X

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R-3M	X	X	X	X	X	X	X
R-4M	X	X	X	X	X	X	X
R-4	X	X	X	X	X	X	X
R-MH-1	X	X	X	X		X	X
R-MH-2 <sup>2</sup>	X	X	X	X		X	X
TN	X	X	X	X		X	X
O-1 <sup>2</sup>	X		X			X	
O-2 <sup>2</sup>	X	X <sup>1</sup>	X	X <sup>1</sup>		X	X <sup>1</sup>
RC						X	
NB	X	X <sup>1</sup>	X	X		X	X <sup>1</sup>
C-1 <sup>2</sup>	X		X			X	
C-2 <sup>2</sup>	X		X			X	
C-3 <sup>2</sup>	X	X	X	X		X	X <sup>1</sup>
C-4 <sup>2</sup>	X	X	X	X		X	X <sup>1</sup>
C-CBD <sup>2</sup>	X	X	X	X		X	X <sup>1</sup>
C-HC <sup>2</sup>	X	X	X			X	X <sup>1</sup>
DBD <sup>2</sup>	X	X	X	X			
DTD-1 <sup>2</sup>	X	X	X	X			
DTD-2 <sup>2</sup>	X	X	X	X			
TP	X	X	X			X	
I-1 <sup>2</sup>	X	X	X			X	
I-2 <sup>2</sup>	X	X	X			X	
I-3 <sup>2</sup>	X	X	X			X	
NC: Tract 1	X	X	X	X	X	X	X <sup>1</sup>
NC: Tract 2	X	X	X	X	X	X	X <sup>1</sup>
NC: Tract 3	X	X	X	X	X	X	X <sup>1</sup>
NC: Tract 4G	X	X	X	X		X	X <sup>1</sup>
NC: Tract 5	X	X	X	X		X	X <sup>1</sup>
BC	X	X	X			X	
SYD	X	X	X			X	
SYT			X			X	

FOOTNOTES: TABLE 12200.1

- <sup>1</sup> For permitted residential.
- <sup>2</sup> See Section 59-12200.4 for additional standards.

\* \* \*

**12200.3. Standards for Accessory Structures and Uses.**

Accessory use and structure regulations for the RA2, RA, R-1, R-1ZL, R-2, R-3, R-3M, R-4, R-4M and R-MH-1 Districts, as well as residential uses in the NC District, any portion of a PUD specifically allowing for residential use, and all permitted residential uses in non-residential districts are as follows.

\* \* \*

B. Fences. Fences shall be permitted subject to the permit requirements of the Oklahoma City Municipal Code.

- (1) Front Yard Fence. A front yard fence shall be defined as a fence located within the required front yard setback area for all structures or in front of the front wall of the main building on the site. It shall be considered a structure and shall be subject to the regulation of structures in this chapter and Chapter 12, Buildings and Building Regulations. It shall be permitted subject to the following conditions and requirements:

\* \* \*

- (d) The front yard fence shall be a decorative-type open fence that does not exceed four feet in height. Only chain-link, decorative ornamental metal, picket and split rail fencing shall be permitted.

- 1. For wood picket fencing, the maximum width of the pickets shall be three and one-half inches and the minimum separation of the pickets shall be three and one-half inches.
- 2. Decorative metal fences shall be made of ornamental metal pickets, galvanized steel, aluminum, or similar material having the appearance of decorative wrought iron and shall comply with the following:
  - i. Minimum separation of pickets shall not be less than two and one-half inches.
  - ii. Maximum picket width shall not exceed one inch square.
  - iii. Spiked caps or spears may not be used.

- (e) Site plans and elevations of the fence shall be submitted for permit review. The proposed fence shall not pose a safety or visibility hazard.



- (f) Barbed, hog or chicken wire, or single-strand fencing shall not be used, except in the agricultural or industrial zoning districts.

\* \* \*

- (2) Side and Rear Yard Fence. A side and rear yard fence shall be defined as a fence located within the side and rear yard as defined in Section 59-2150, "Yard, Rear" and "Yard, Side" and as shown in Figure 2000.7.

\* \* \*

- (b) No such fence shall be constructed of metal, plastic or plywood sheets. However, ribbed steel panel fencing may be used provided such fencing material meets the following minimum property standards:

\* \* \*

- 4. Ribbed steel panel fences shall not be permitted in the DBD, DTD-1, HP, or HP Districts.

\* \* \*

- (6) DBD, DTD-1, DTD-2 District Standards. Subject to the provisions of Section 59-7200.1F(8), Fencing (Downtown Design Districts) of this chapter.

\* \* \*

**12200.4. Additional District Standards for Accessory Uses.**

\* \* \*

- C. Regulations for O-1, O-2, C-1, C-2, C-3, C-4, C-CBD, DBD, DTD-1, DTD-2, C-HC, BC, UD, SYD, and SYT Districts.

- (1) Accessory equipment appurtenant to the principal building including, but not limited to, air conditioning/refrigeration equipment, well houses, guard houses and other similar elements, may be located in required rear or side yard setback areas.
- (2) Where residential uses are permitted, the accessory use regulations of this § 59-12200 shall apply to all residences.
- (3) Accessory signs shall be permitted subject to sign regulations. Accessory signs in the DBD District shall be subject to the C-CBD Sign Regulations contained in Chapter 3 of the City Code unless modified within the Regulations and Criteria of the Design District. Accessory signs in the DTD-1 and DTD-2 Districts shall be

subject to O-2 Sign Regulations contained in Chapter 3 of the City Code unless modified within the Regulations and Criteria of the Design Review District.

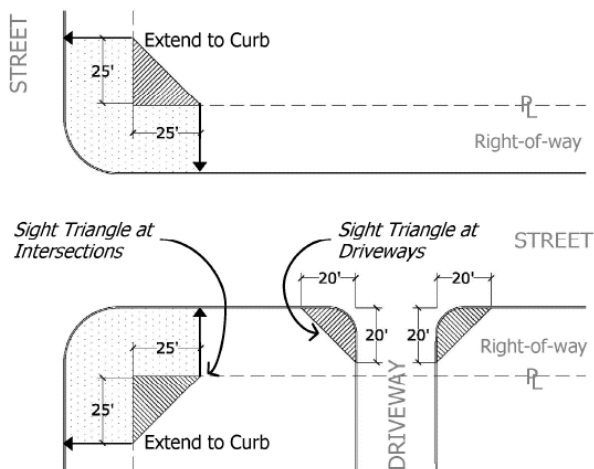
- (4) Front, side, and rear yard fences shall be permitted in accordance with the regulations in this Article or the sight-proof screening provisions in Article XI, Landscaping and Screening Regulations.
  - (a) For commercial uses, chain link fencing shall not be permitted along street frontages within the DBD, DTD-1, and DTD-2 Districts.
  - (b) Exposed electronically charged fences shall be prohibited.
- (5) Commercial Waste Collection Receptacles within the DBD, DTD-1 and DTD-2 Districts
  - (a) Dumpsters and other commercial waste collection receptacles shall be visually screened from view on all sides of the dumpsters. A building, fence, vegetation or other form of screening in accordance with Article XI, Landscaping and Screening Regulations shall satisfy this requirement.
  - (b) A receptacle and its required screening may only be located in the public right-of-way upon the issuance of a revocable permit for both the receptacle and the installation of the screening. Any immobile screening fence shall require a fence permit.
  - (c) Dumpsters and receptacles shall be so screened and maintained by the property owner so that they do not generate trash, litter, debris or odor beyond the screened facility.

\* \* \*

**§ 59-12300. - Sight distance triangle requirements.**

A. No wall, fence, sign, or other structure or plant growth that obstructs vision shall be placed or maintained on a permanent or temporary basis within the sight triangle. The sight triangle area shall not be obstructed by any sign, wall, fence, hedge, shrubbery or other object which exceeds two feet in height. In the event that the grade of a lot is higher than the street grade, the height of the wall, fence, hedge or shrubbery shall be reduced so that the visual clearance is not obstructed two feet over the grade of the street. The sight distance triangle is illustrated in Figure 12300.1 below.

FIGURE 12300.1 SIGHT DISTANCE TRIANGLE



(1) Exceptions. Where the Public Works Director determines the encroachment will not create a traffic hazard, Bricktown Core Development District (BC), Downtown Business District (DBD), Downtown Transitional District, Limited (DTD-1), Downtown Transitional District, General (DTD-2), Stockyards City Development District (SYD), and Urban Design Overlay District (UD) are exempt from the Sight Distance Triangle Requirements.

\* \* \*

**ARTICLE V. - SIGN REGULATIONS[5]**

\* \* \*

**§ 3-83. - General regulations for all signs.**

(a) General prohibitions.

\* \* \*

- (6) A-frame, sandwich signs, springer, and swinger signs are prohibited except as specifically allowed in the Bricktown Core (BC), Downtown Business District (DBD), Stockyards City Development District (SYD) and Urban Design (UD) districts and shall be subject to the regulations and guidelines of the respective design districts. These signs do not require a Certificate of Approval.

\* \* \*

- (12) EMD signs shall require a Certificate of Approval or Appropriateness from the respective design review authority in the following zoning districts: BC, DBD, DTD-1, DTD-2, HP, HL, SYD, SYT, SRODD, and UD.

a. EMD signs shall be prohibited within the following zoning districts:

1. DTD-1, within the area known as the "Cottage District" as defined in Chapter 59-7200.3.B. (1)(a); and
2. SRODD, within 100 feet of the river; except signage affixed to river crossings in the Regatta District.

b. Any EMD sign currently permitted in said zoning districts is considered a nonconforming use and may continue to operate, provided said sign is otherwise in compliance with this ordinance.

\* \* \*

- (15) Temporary Signs - Large Display Banners and Supergraphics (Wall Scapes/Building Wraps) are prohibited except in the Bricktown Core (BC) and Downtown Business District (DBD), and shall be subject to the regulations and guidelines of the respective design districts.

\* \* \*

(h) Landscaping. All free-standing accessory signs shall provide a Landscaped Area containing one point per two square feet of sign or fraction thereof located within ten feet of the base of any freestanding accessory sign. This landscaping may be applied to fulfill Site or Parking

Point requirements. Turf grass shall not be used to satisfy this requirement (see Article XI, § 59-11250 Landscaping requirements.)